By Mr. MICHAEL E. DRISCOLL: Petition of citizens of Syracuse, Euclid, Hamilton, and Clay, N. Y., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Central City Electrotyping and Engraving Company, favoring duty on post cards—to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Lancaster (Pa.) Board of Trade, against legislation tending to reduce the lawful earnings of railroad corporations and to aggravate popular hostility against them—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Alfred F. Boad and 17 other citizens of San Francisco, favoring duty on post cards—to the Committee on Ways and Means.

Also, petition of Asiatic Exclusion League, favoring enactment of an effective exclusion law against all Asiatics other than merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. MURPHY: Petitions of Farmers' Unions, No. 761, of Simmons; No. 786, of Embree; No. 754, of Wright County; No. 763, of Hartshorn; and No. 807, of Mahan, all of the State of Missouri, favoring a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of Chamber of Commerce of Los Angeles, against reduction of tariff on products of California agriculture and horticulture and against repeal of countervailing duty on petroleum—to the Committee on Ways and Means.

Also, petitions of Chamber of Commerce of Wilmington and Chamber of Commerce of San Diego County, Cal., favoring a government freight and passenger line of steamships for principal ports on Pacific coast and Panama—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of D. Olliver Brothers, Carriage and Wagon Builders' Association, and others, of San Francisco, for repeal of tariff on hides—to the Committee on Ways and Means.

Also, petition of lithographic employees, against reduction of tariff on lithographic products—to the Committee on Ways and Means.

Also, petition of Merchants' Exchange of Oakland, Cal., against reduction of duty on wool—to the Committee on Ways and Means.

Also, petition of grain producers of Pacific coast, against a duty on grain bags—to the Committee on Ways and Means.

Also, petition of J. M. Hicks and others, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Mrs. H. Cartledge, against increase of duty on gloves and hosiery—to the Committee on Ways and Means.

Also, petition of Woodland Local, No. 146, International Brotherhood of Paper Makers, against reduction of duty on print paper—to the Committee on Ways and Means.

Also, petition of hop growers of California, favoring an increase of duty on hops—to the Committee on Ways and Means.

Also, petition of Asiatic Exclusive League, for enactment of an effective Asiatic-exclusion law save against merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of board of trustees of Stockton Chamber of Commerce, favoring rebuilding of jetties at the entrance of Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of Marine Engineers' Beneficial Association No. 35, approving work and policies of the National River and Harbor Congress—to the Committee on Rivers and Harbors.

Also, petition of mayor of the city of San Francisco and members of the senate and house of representatives of California, against appropriating the encroachment on the Hetch Hetchy Valley for water-storing privileges—to the Committee on the Public Lands.

Also, petition of business men of Gonzales, Salida, Reedley, and Salinas, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of San Francisco, favoring immediate occupation of the new immigrant station on Angel Island—to the Committee on Immigration and Naturalization.

By Mr. PRINCE: Petition of L. M. Lawler and others, of Galesburg, Ill., against increase of duty on hosiery—to the Committee on Ways and Means.

By Mr. ROBINSON: Paper to accompany bill for relief of G. A. Joyner (H. R. 1173)—to the Committee on Pensions.

By Mr. THOMAS of Ohio: Petition of citizens of the Nineteenth Congressional District of Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. WASHBURN: Petition of sundry citizens of Worcester, Mass., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 20, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MAJ. PIERRE CHARLES L'ENFANT.

The VICE-PRESIDENT laid before the Senate the following communication from the president of the Board of Commissioners of the District of Columbia, which was read, and, on motion of Mr. GALLINGER, referred to the Committee on the District of Columbia:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 17, 1909.

To the Senate of the United States:

The Commissioners of the District of Columbia have the honor to invite the Members of the Senate of the United States to attend the ceremonies in honor of Maj. Pierre Charles L'Enfant in the Rotunda of the United States Capitol at 10.30 o'clock on the morning of April 28, 1909, in connection with the transfer of his remains from Green Hill, Maryland, to the Arlington Cemetery. The Vice-President of the United States and the ambassador of France will make addresses.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. HALE. I present a very important petition, and I ask that, without the names, it may be printed in the RECORD with the accompanying statement, and that it lie on the table.

There being no objection, the petition and accompanying statement, omitting the names, were ordered to lie on the table and to be printed in the RECORD, as follows:

To the Committee on Finance:

The undersigned, engaged in the manufacture or sale of woolen goods, recognizing the unfairness to a large portion of the woolen industry in the method of collecting the duty on wool on a specific basis, request that in the revised tariff bill the duty on wool be collected on an ad valorem basis, unless, however, a specific duty can be made on a basis more just and equal according to the value of the different grades of wool; also that we are not in favor of reducing the duty on wools as a general proposition.

Mr. CHAIRMAN: Wool clothing is essential to the existence of civilized man in temperate and cold climates. The better he is provided with wool clothing, the better able is he to ward off disease and death. We appear here in behalf of the most important of the two great branches of wool manufacturing, that known as the carded woolen industry. It is the most important in respect to the number of operatives employed, wages paid, and the capacity to provide the people with durable and warm clothing at a low price. The Dingley tariff law places the carded woolen industry at a serious disadvantage in performing this essential service for the people, and at the same time that law confers important special favors upon the other branch of wool manufacturing, known as the "worsted industry." This discrimination against the one and the favors conferred on the other will be made clear by a brief outline of the technical conditions.

Worsted is made by combing, which separates the long fibers from the shorter, and then converting these long fibers into yarn and cloth. On the other hand, carded woolen goods are made by carding the wool without separation of the short fibers from the long and then converting the carded wool into yarn and cloth. In the nature of things, the longer stapled wool is used for worsteds, the shorter wools for carded woolen goods. As a result of these conditions worsted is, as a rule, more expensive than carded woolens. Worsted is adapted more particularly for high-priced clothing, carded woolens for the less expensive clothing. Now, the wools suited for carded woolen goods carry a large amount of grease and dirt as they come from the sheep's back, a much larger amount of grease and dirt than the worsted wools ordinarily carry. It is by no means unusual to find the wool suited for carded woolen goods with four pounds of grease and dirt to every pound of wool, and wool suited for worsted with no more than 1 pound of grease and dirt to every 4 pounds of wool. Hardly two lots of wool can be found that shrink the same by scouring, but the bulk of the shorter wools suited for carded woolen goods is heavy shrinking, while the bulk of the worsted goods is light shrinking.

The Dingley duty on grease wools of classes 1 and 2, which is the same in the Payne bill, is specific, 11 and 12 cents a pound, respectively. It is plain that this specific duty on grease wools is, in fact, much higher on the scoured weight of heavy-shrinking wool than on the scoured weight of light-shrinking wool. Applying the 11-cent duty to the two cases just cited, this duty would be equal to 55 cents a scoured pound for the heavy-shrinking wool and only 13¾ cents a scoured pound for the light-shrinking wool. The price of heavy-shrinking wool per scoured pound for carded woolen goods is usually less than that of worsted wools. These two factors in the problem, the greater quantity of grease and dirt on which the specific duty must be paid, and the lower price of wool for carded woolen goods result in extremely wide variations in the ad valorem equivalents of the Dingley wool duties. An application of the Dingley duty to 60,000,000 pounds of wool sold at London two months ago showed that the ad valorem equivalent of that duty was as low as 23 per cent on light-shrinking and high-priced lots of unwashed wool, and as high as 550 per cent on heavy-shrinking and low-priced lots. The result is that the importations of wool into the United States are confined to the light-shrinking higher priced grades suited for worsted, while the heavy-shrinking and lower priced wools suited for carded woolen goods are excluded from the United States as effectually as if the law made it a capital crime to import them.

This condition is well illustrated by the fact that the average ad valorem equivalent of the Dingley duty on 80,000,000 pounds of wool recently offered for sale in the leading foreign markets was 94 per cent, while the ad valorem equivalent of the Dingley duty on the wool actually imported into the United States last year (1908) was only 44 per cent, because of its light shrinkage.

ADVANTAGES UNDER CLASS 2.

A great many of the wools imported for worsted uses are dutiable under class 2, and aside from the advantage the worsted manufacturer has under a general application of a specific duty he has under this class a further concealed advantage. The terms of this class are: "Unwashed and washed, 12 cents per pound duty; scoured, three times the duty of unwashed."

Note that wools washed under this class can be imported at the same rate as unwashed; or, in other words, the users of these wools can import them in a partly clean condition, with the bulk of the dirt and grass removed, at the same rate as if they were in their natural condition. It is understood that washed means wools washed on the sheep's back. This gives the worsted manufacturers a decided advantage, as they are heavy users of this wool, while carded manufacturers, who use mainly wools in class 1, are obliged to pay a duty on washed wools equal to twice the duty on unwashed. In one case the washed wools are imported at 12 cents per pound, while in the other at 22 cents per pound, a very decided advantage.

It is these conditions from which the carded-woolen manufacturers ask relief. We care not what form that relief takes so long as it is effective, but relief must be given by the Government if the carded-woolen industry, whose function it is to provide warm and durable clothing for the people at a moderate price, is not to be starved to death.

We ask for no reduction in the duty on wool. We ask that as long as wool is imported into this country, the tariff be framed so that it will bear equally on the carded woolen industry and on the worsted industry, so that it will permit the importation of wool suited for warm, durable, and low-price clothing for the masses with no greater proportionate tax than what may be imposed on wool suited for the high-priced clothing. We ask for relief and leave the form of that relief to the lawmakers. We suggest to you, however, that the value of grease wool is based on the value of scoured wool obtained from it, and that in view of the wide fluctuations in the shrinkage in the weight of wool by scouring, there is no escape from the conclusion that the fairest method of levying a duty on wool is in the form of a percentage of its value—that is, by an ad valorem tariff, made effective by a stringent customs administrative law.

Now, we want you to understand clearly the facts. The present 11-cent duty on grease wools admits into this country the light-shrinking long-stapled worsted wools at a low rate per scoured pound that is not more than one-half of that tariff tax contemplated by the framers of the law as a protection to the domestic woolgrowers. On the other hand, the 11-cent duty on heavy-shrinking wools results in a tariff many times that contemplated as protection for the woolgrowers. The effect of the equalization of wool duties which we ask for would be to raise this present low duty on light-shrinking wools to a higher level, at which all wools would bear the same tariff tax.

We are especially favored to-day in illustrating the burden on our industry by the fact that the Payne bill threatens a branch of worsted manufacturing with a burden arising from the same cause, namely, a specific duty on wool of widely varying shrinkages. We refer to the 39-cent duty imposed by the Payne bill on worsted tops. That duty would annihilate the fine-tops industry in this country, just as the 11-cent duty on grease wool of heavy shrinkage is slowly annihilating the carded woolen industry. The working of this Payne duty on worsted tops is illustrated by its application to these four lots of worsted wool combed in American mills.

No. 88.—Coarse quarter-blood wool.

	Duty.
10,000 pounds grease wool, at 11 cents	$1,100.00
6,680 pounds top, at 39 cents	2,605.20
Protection to top maker	1,505.20

No. 230.—Crossbred Australian.

10,000 pounds grease wool, at 11 cents	1,100.00
5,655 pounds top, at 39 cents	2,205.45
Protection to top maker	1,105.45

Passaic.—Fine Australian.

10,000 pounds grease wool, at 11 cents	1,100.00
3,925 pounds top, at 39 cents	1,530.75
Protection to top maker	430.75

Hartley.—Fine merino territory.

10,000 pounds grease wool, at 11 cents	1,100.00
2,173 pounds top, at 39 cents	847.47
Discrimination against top maker	252.53

These tests show that the 39-cent rate on tops gives a very high protection to the makers of tops from light shrinking wools, while the same 39-cent rate means the withdrawal of all protection from the maker of tops from heavy shrinking wool. In the latter case, the duty on the tops is actually less than the duty on the wool, and, as a result, the wool will be combed in foreign countries, imported into the United States in the form of tops, and this branch of top making will be destroyed in this country. We believe that this inequality of rates with which the Payne bill threatens the tops industry should be corrected. We advocate and urge this correction just as we advocate the removal of the same burden that is oppressing the carded-woolen industry. We can not believe that you will grant relief to the worsted industry and refuse it to the carded-woolen industry.

BY-PRODUCTS.

The injustice of the present tariff law, however, is not confined entirely to the schedules on wool. Equally flagrant and unjust inequalities exist in the schedules on by-products. While we are generous enough to believe that these injustices were created unwittingly on the part of our legislators, yet, if there had been a concerted effort made to render it impossible for the carded-woolen manufacturer to procure raw material of any kind with which to produce his goods in competition with the worsted manufacturer, no law could have been made to better bring about the desired result. It was not enough to place a discriminating duty on wools so the worsted manufacturer could get his wools at better value by importing them at a lower rate of duty, but it was deemed wise to place a further prohibitive duty on worsted wastes, noils, etc., so that we are prevented from getting even these products, except at exorbitant prices, to substitute for the wool we can not get. Does this not look like a clever scheme to hamper us in producing our goods at competing prices? If values are inflated on our raw materials and depressed on their raw materials, how can we be expected to compete with them?

In referring to wool substitutes we do not wish you to get the impression that these are usd for the purpose of cheapening our goods to gain greater profits for ourselves, nor that they make goods that are unserviceable or impractical for the people to wear. They are, on the contrary, one of the greatest agents for practical economy, and are the salvation of the masses in their efforts to get good, serviceable cloth at reasonable prices. The Dingley duties on these by-products are prohibitory, and the Payne bill gives no relief, because the rates, although slightly less, are still prohibitory. The worsted spinner can not use his noils. They can be converted into cloth only by the carded woolen mills. As a result, however, of the prohibitory duty on noils, the carded woolen manufacturer does not dare to use them to the extent warranted by their value as a raw material, because any material increase in the demand for noils would send the price up to the full amount of the duty paid. An increase in the use of noils could not injure the woolgrower, because he supplies only a small part, about 40 per cent, of the wool consumed by the people. The only effect of an increase in the use of noils under a fair duty would be to give the consumer a warmer and more serviceable garment in place of the cheap shoddy mixtures and cotton worsteds that the present high duties on by-products force him to wear.

In conclusion, gentlemen, I want to state that we have nothing to conceal. We invite and welcome the closest scrutiny of our case, confident that the more closely it is examined the more convinced you will become that our requests should be granted.

GORDON DOBSON,
President National Association of Carded Woolen Manufacturers.

WASHINGTON, D. C., *April 7, 1909.*

Mr. FRYE presented petitions of sundry citizens of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a resolution of the legislature of Ohio, favoring the enactment of more stringent immigration laws, which was referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of sundry citizens of Gorham, N. H., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BROWN presented petitions of sundry citizens of Nebraska, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Commercial Club of Scotts Bluff, Nebr., remonstrating against a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Grand Rapids, Wis., remonstrating against a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Milwaukee, Wis., praying for an increase of the duty on lithographic products, which were ordered to lie on the table.

Mr. MCLAURIN. I present a joint resolution of the legislature of the State of Ohio relative to the enactment of more stringent immigration laws. I ask that it be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint resolution was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

House joint resolution 15.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff without proper immigration regulation is a travesty on the industrial problem: Therefore be it

Resolved by the general assembly of the State of Ohio, That we respectfully ask our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

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OHIO, UNITED STATES OF AMERICA,
Office of the Secretary of State:

I, Carmi A. Thompson, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office, and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 12th day of March, A. D. 1909.

In witness whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, this 15th day of April, A. D. 1909.

[SEAL.]

CARMI A. THOMPSON,
Secretary of State.

Mr. GAMBLE presented a memorial of the Woman's Christian Temperance Union of Seneca, S. Dak., remonstrating against an increase of the duty on hosiery, gloves, shoes, and other wearing apparel, which was ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. ELKINS presented petitions of sundry citizens of Wick and Bert, in the State of West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

REPORT OF A COMMITTEE.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1884) to extend the free transmission through the mails of official mail matter of the organized militia of the several States, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 1888) granting an increase of pension to Elbridge P. Wardwell; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 1889) for the relief of Daniel B. Roberts, late private, Company E, Ninth New Hampshire Volunteer Infantry; to the Committee on Military Affairs.

A bill (S. 1890) granting a pension to Addie A. Robinson; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 1891) granting an increase of pension to George H. Wheeler (with the accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 1892) for the relief of James F. Curley; to the Committee on Military Affairs.

By Mr. WARNER:

A bill (S. 1893) providing for the payment of expenses of judges of the United States courts; to the Committee on the Judiciary.

A bill (S. 1894) authorizing the Secretary of the Treasury to appoint tariff experts to report upon schedules of duty, and for other purposes; to the Committee on Finance.

A bill (S. 1895) authorizing the appointment of a vice-admiral in the navy; to the Committee on Naval Affairs.

A bill (S. 1896) to correct the date of muster of Company F, Pacific Battalion, Missouri Home Guards;

A bill (S. 1897) to correct the military record of William L. M. Patterson;

A bill (S. 1898) to regulate the retirement of certain veterans of the civil war;

A bill (S. 1899) to provide for the payment of a bounty of $100 to soldiers who enlisted in the military service of the United States under the act of July 22, 1861, and who were discharged by reason of surgeon's certificate of disability, or for promotion, before the expiration of two years, and who have not received $100 bounty; and

A bill (S. 1900) for the relief of Richard A. Hodges; to the Committee on Military Affairs.

A bill (S. 1901) for the relief of Charles Yust;

A bill (S. 1902) to carry into effect the findings of the Court of Claims in the matter of the claim of Karoline Mulhaupt; and

A bill (S. 1903) for the relief of August Gloeser; to the Committee on Claims.

A bill (S. 1904) granting an increase of pension to Josiah U. Luyster;

A bill (S. 1905) granting a pension to Daniel Barks;

A bill (S. 1906) granting a pension to Elizabeth C. Cox;

A bill (S. 1907) granting an increase of pension to James A. McCoy;

A bill (S. 1908) granting an increase of pension to Joseph Proffitt;

A bill (S. 1909) granting an increase of pension to David Bartlett;

A bill (S. 1910) granting a pension to Joseph D. Britton;

A bill (S. 1911) granting a pension to Mary E. Campbell.

A bill (S. 1912) granting an increase of pension to William W. Scott;

A bill (S. 1913) granting an increase of pension to Patrick O'Brien;

A bill (S. 1914) granting a pension to Emily Hendricks;

A bill (S. 1915) granting an increase of pension to Reuben M. Elliott;

A bill (S. 1916) granting an increase of pension to Miles J. Williams;

A bill (S. 1917) granting an increase of pension to Charles McIntyre;

A bill (S. 1918) granting an increase of pension to William G. Parrish;

A bill (S. 1919) granting an increase of pension to James A. Warren;

A bill (S. 1920) granting an increase of pension to William H. Brown;

A bill (S. 1921) granting an increase of pension to Louise Spiers;

A bill (S. 1922) granting an increase of pension to Martha W. Smith;

A bill (S. 1923) granting an increase of pension to Martha J. Rowland;

A bill (S. 1924) granting an increase of pension to Jonas Fulmer;

A bill (S. 1925) granting an increase of pension to Fannie E. Brown;

A bill (S. 1926) granting an increase of pension to James S. Anderson;

A bill (S. 1927) granting an increase of pension to Archibald W. Mayden;

A bill (S. 1928) granting an increase of pension to Jane E. Hagaman;

A bill (S. 1929) granting an increase of pension to Samuel E. Barber;

A bill (S. 1930) granting an increase of pension to Charles Middaugh;

A bill (S. 1931) granting an increase of pension to Alfonzo Meyers;

A bill (S. 1932) granting an increase of pension to George W. King;

A bill (S. 1933) granting an increase of pension to Catherine E. Tralle;

A bill (S. 1934) granting an increase of pension to Calvin C. Leaming;

A bill (S. 1935) granting an increase of pension to Andrew Alyea;

A bill (S. 1936) granting a pension to William Bruening;

A bill (S. 1937) granting an increase of pension to Caleb S. Bigham;

A bill (S. 1938) granting a pension to John A. Johnson;

A bill (S. 1939) granting an increase of pension to Mary V. Eveland; and

A bill (S. 1940) granting a pension to Matthew N. Brown (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BRISTOW submitted three amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

IMPORTS OF TOBACCO.

Mr. DANIEL submitted the following resolution (S. Res. 34), which was considered by unanimous consent and agreed to:

Senate resolution 34.

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate what duties per pound on imports of tobacco are levied and collected by other nations on imports thereof from the United States, and what countries prohibit importation thereof, or exercise government monopoly in the purchase of tobacco from other countries.

AFFAIRS IN VENEZUELA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 13); which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate:

I transmit herewith, for the information of the Senate in connection with the Senate's resolution of February 26, 1908, a

report by the Secretary of State, with accompanying papers, showing the settlement of the controversies which existed with the Government of Venezuela with respect to the claims against that Government of the Orinoco Steamship Company; of the Orinoco Corporation and of its predecessors in interest, The Manoa Company (Limited), The Orinoco Company, and The Orinoco Company (Limited); of the United States and Venezuela Company, also known as the "Crichfield claim;" of A. F. Jaurett; and of the New York and Bermudez Company.

WM. H. TAFT.

THE WHITE HOUSE, *April 20, 1909.*

THE CENSUS.

The VICE-PRESIDENT. The morning business is closed.

Mr. LA FOLLETTE. If I can have the attention of the Senator from North Dakota [Mr. MCCUMBER], I ask that the conference report on House bill 1033 be taken up.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses.

The VICE-PRESIDENT. The report was read in full yesterday. The pending question is on the adoption of the report.

Mr. MCCUMBER. Mr. President, a census bill was reported from the House at the last session and passed by the Senate. The amendments of the Senate, few as they were, were concurred in and the measure went to the President for his signature. The bill was vetoed upon the ground that it contravened the spirit of the civil-service law.

At the present session the House passed another bill. The Senate considered it and made some amendments to it and it went back to the House and then into conference. Some of the more important amendments, which were for the purpose of making it conform to the spirit of the civil-service law, were eliminated in conference. I should like to ascertain what reasons actuated the committee of conference in striking out some of these important provisions and wherein the bill differs materially from that which was vetoed at the last session.

I think I understand the general idea of the chairman of the Committee on the Census. If I understand aright, he is a believer in the civil-service requirements, and he desires to see an honest enforcement of the civil-service law. It is that the Senator from Wisconsin, who is chairman of the committee, may explain it that I rose to my feet to-day to express my opinion on one or two of these points and to seek the proper information.

I had inserted an amendment before the committee, which was adopted by the Senate. The amendment in substance provided that hereafter all applicants for entry into positions under the civil service should not only declare the State from which they claimed their residence, but should be actual bona fide residents, and should have resided or been actually domiciled in the State or Territory from which they claimed residence for at least one year prior to such examination.

Now, there was an object that I had in asking that this provision should be inserted as affecting the general law, and the object was to carry out what is, I think, the spirit of the civil-service law. As the last bill was vetoed because it contravened the spirit of that law, I am justified in asking why this provision, which is to carry out the spirit as well as the words of the old law, should have been surrendered by the Senate conferees.

I want to have read, or to read myself, a few remarks from one of our city papers. In reading these remarks in editorial and other forms I wish to say that I do not criticise the attitude of the paper, which naturally feels kindly disposed toward the citizens of the city of Washington and is always desirous of looking after their special welfare, even though their interests may conflict with those of some other sections of the United States.

Some time after this amendment was inserted the matter was taken up by the press. The first article that I saw on the subject was one from the Boston Advertiser, which, it seems to me, properly stated the object and purpose of the law. It reads as follows:

It is a reasonable contention that applicants for positions within the general classified service of the Government should be compelled by law to take their examinations in the States to which they are accredited as legal residents. The amendment to the census bill to that effect, reported by Senator LA FOLLETTE as chairman of the Committee on the Census, is, on the face of it, proper and timely. The practice of living in one State and claiming legal residence for reasons of political or financial advantage in another—in a State in which the claimant has never had actual residence—is mischievous.

I am reading this especially for the benefit of the Senator from South Carolina [Mr. TILLMAN] and the Senator from West Virginia [Mr. ELKINS].

Mr. TILLMAN. Mr. President, if the Senator will permit me, I beg his pardon if any little conversation with my friend here has interfered with the progress of his speech. I will try to listen hereafter, and if he has anything for my special benefit I am sure to listen.

Mr. MCCUMBER. I know the Senator will take an interest in this matter, and that is why I want to direct the attention of the Senator to it.

Mr. ELKINS. I want to say that I was paying the strictest attention to what the Senator said, and I do not know why he referred to me. I am delighted to listen to the Senator.

Mr. TILLMAN. I shall be delighted to hear every word.

Mr. MCCUMBER. I am delighted to have the Senator listen to this:

The practice of living in one State and claiming legal residence for reasons of political or financial advantage in another—in a State in which the claimant has never had actual residence—is mischievous, and is an evasion of the direct purpose of the civil-service regulations, made use of to skirt the edges of the civil-service requirements. The proposed amendment appears to have the excellent purpose of forcing adherence to the exact intent of these civil-service rules. If the spirit of the civil-service law is correct, the law should be so worded, directly or by amendment, as to be capable of exact application.

It is difficult for the true friend of the real merit system to understand why state boundary lines should be drawn in restriction of the men and women who seek employment under the Government. No corporation in search of workers asks the candidate the place of his birth or residence. It ascertains what he knows, what his qualifications are; his habits and his aptitude for improvement. It takes the best and most promising men it can find and expects them to adjust themselves as to residence and ways of living to its requirements.

It might have added, also, that the corporation employs its own men and it passes judgment upon those men. There is not a board composed of outsiders to select the men and pass upon their acquirements and say to the corporation: "You shall take these men, and no one else, whether you want them or not; they are the persons who, we say, are particularly fitted for your class of business." But that is the system we are working under in giving employment to those who seek government service.

I especially desire to call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to what I am now about to read. The article says further:

A Massachusetts man is no less capable of discharging the duties of a position in the Census Office if he takes the examination across the line in New Hampshire. Nor is a Rhode Islander better fitted to do Uncle Sam's work if he slips over the boundary and appears before the examiners in Massachusetts. Why Massachusetts should have a "quota" of patronage seven times as great as New Hampshire is explainable only in terms of spoils, not brains, despite the tradition of the abnormal intelligences produced in the Bay State.

I leave that particular proposition to be answered by any Senator from Massachusetts who desires to answer it. The proposition against which I am contending, and which is against the idea of the papers of this city, is that the city of Washington should be accorded all of these positions. I hold that we should not seek to deprive the different States of their quota of these positions.

One of these papers goes so far as to say that, as a rule, the Washingtonians will be found to be better qualified for these positions than those from the outward States, inasmuch as they live in the atmosphere of the particular kind of work. For myself, I am inclined to think that a resident of Wisconsin is as well qualified to fill these official positions as a resident of the city of Washington.

During my service here I have often had to employ those in the city, and I would not be justified in saying that those persons are better qualified than those from my State or from any other State in the Union.

The whole question is a question whether or not the apportionment under the civil service, which is accorded to the several States according to their population, is a good law or whether it is a bad law. If it is a bad law, we ought to get rid of it now and have nothing more to do with it. If it is a good law, it ought not to be avoided by a fraudulent system that has been in vogue ever since this civil-service law has been imposed upon the American people.

I wish to call the Senator's attention to information which I received but a short time ago, to show the working of this law. I maintain that 90 per cent of the officials or those holding clerkships in the departments in the city of Washington are residents of this city, and that the other 10 per cent may fairly be said to be residents of all the balance of the United States. If we were to follow the rules of the civil-service law, Washington might have 2 per cent and the balance of the United States possibly the rest of the official places here in the city. As I said, if the law is not a good one I am in favor of repeal-

ing it, but if we ought to accord to each of the States its proper quota in the departments, then I insist that the provision which I asked to have inserted in the bill should have been enacted into a law.

Here is one of the sections, the section of manufactures, containing nine people, in the Census Office, the office that we are dealing with.

When I came here ten years ago I selected four people for positions in the Census Office. Three of them, I believe, have gone out. They attended the night schools. One became a physician, another learned some other profession, and they are now doing well in their professions. They got the benefit of that law, and they were entitled to come here. Under this new provision you have practically to cut out all representation from the States and employ those on the new census who may have worked a week or ten days on the previous census, and who have had some qualifications in punching cards. This, which is a privilege as well as a benefit which has been accorded to the citizens of the several States, is to be denied them under this bill.

Now I want the Senate to listen to this one report from a single section containing nine persons. They happen to be all women. One who has employment there is the wife of a secretary to a Congressman. Two of them are wives of officials in the War Department. One is the wife of a prominent person in the Treasury Department; one is the wife of a traveling man; another is a married woman—married lately. I do not know that her husband is in the government service. The others are three widows who have to take care of themselves and families. The promotions seem to be given almost wholly to the women who have husbands in the departments.

Now, I ask candidly if that is a fair construction of the civil-service law?

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Will the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. It is a well-known fact, Mr. President, that in all the departments two, and in some cases three, persons from the same family are employed. There are husbands and wives employed at large salaries to my knowledge. I have always felt that that ought not to be permitted.

With a view of minimizing the evil, so far as this bill is concerned, I moved an amendment reading as follows:

Provided, however, That in no instance shall more than one person be employed from the same family.

That is, in the taking of the census. The committee of conference in its wisdom receded from that amendment and it has gone out of the bill. So the Senator from North Dakota may well understand that in addition to the fact that husbands and wives are employed in the departments, the sons and daughters of those people will be employed in the Census Office, and we will have almost whole families employed in the government service, residents of the city of Washington.

I remember that in an investigation I had something to do with a good many years ago the fact was disclosed that in one instance a husband and wife, two children, and three or four nephews and nieces were employed in the government service. I do not know that there is any way to obviate the difficulty, but I had hoped that the simple little amendment, which upon my motion went into the bill, would have been retained by the conferees. However, in that respect I am disappointed.

Mr. McCUMBER. Mr. President, not only is the statement correct as given by the Senator from New Hampshire, but, as a matter of fact, this is growing to be a city of official families holding positions under the Government. Here is a man who, perhaps, passed through New Hampshire thirty or forty years ago or lived there that long ago, got a position in the city of Washington, and has remained here ever since. He has never been back to New Hampshire. He has raised a family of children and grandchildren. All of his children are in the public service here, and all his children and grandchildren are claiming to be residents of the State of New Hampshire. Some kindly disposed notary public, who is acquainted in some way with somebody who knows the family, certifies that they have been residents of that State, because residence is a question of intent, and if a person believes that he lives in such a place and claims that that is his home, though he never lived there, he can get any number of people to certify that it is his home, because he claims it as his home.

Now, according to the view point of the papers of this city, that is what ought to be the case. I read from the Star of April 13 for the benefit of the Senator from Wisconsin, in which, speaking of the citizens here, it says:

Yet, they are particularly well qualified for that service, living, as they do, in the atmosphere of departmental duties and routine. In many cases their parents have been employed by the Government, and they are acquainted with the traditions and the requirements of the federal work. In the circumstances they are ideally equipped to render the most effective service to the United States, and it is altogether likely that in a free-for-all competition for departmental appointment, without geographical or political restrictions, the local residents would prove themselves more efficient than the majority of their rivals.

That may be the case, Mr. President, but I am a little inclined to think that if you will examine into the sick leaves you will find there are very few of these extra capable residents of the city who have not always taken their full thirty days' sick leave, as well as their full thirty days' leave of absence besides; and I think you will probably find that the outsiders will take as few days, both of sick leave and of vacation, as those who reside in the city.

But whether they are as well qualified or not, I insist that as long as the Government pays, and it does pay, almost double the salaries for like service that is paid by private corporations or individuals, it ought to extend its favors fairly throughout the Union and to those people who support the Government.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure.

Mr. TILLMAN. The Senator kindly directed his remarks to me a moment ago, saying that he was going to read something for my special benefit. I have been listening very carefully ever since my attention was called, and I at last have arrived at the conclusion that the Senator is complaining of the Civil Service Commission and its working. Am I correct?

Mr. McCUMBER. I thought, Mr. President, that, the Senator being a strict states-rights man, he would find something in this matter that would interest him.

Mr. TILLMAN. But I asked the Senator the question.

Mr. McCUMBER. Therefore I called his attention to the fact that all the States are absolutely deprived of their rights under the working of the civil-service law.

Mr. TILLMAN. Is the Senator complaining of the Civil Service Commission and its working?

Mr. McCUMBER. I am complaining, Mr. President, because——

Mr. TILLMAN. That is not the question. Will the Senator give me a direct answer? Is he complaining of the Civil Service Commission's administration of the law?

Mr. McCUMBER. The Civil Service Commission do not seem to administer the law.

Mr. TILLMAN. Then what does the Senator propose?

Mr. McCUMBER. I propose an amendment requiring every applicant for an examination not only to be a resident of the State in which he claims residence but to prove his residence, and that he shall have had an actual domicile in that State for at least one year previous to the exmination.

Mr. TILLMAN. When was that amendment offered?

Mr. McCUMBER. That amendment was offered and agreed to before the bill passed the Senate.

Mr. TILLMAN. What has become of it?

Mr. McCUMBER. The amendment went to conference and it was disagreed to by the conferees.

Mr. TILLMAN. And now we are to pass on it by a vote, and declare whether we will sustain the Senator or sustain the conferees?

Mr. McCUMBER. That is the very question that I desire to have passed on.

Mr. TILLMAN. I want to get at the true inwardness of the situation.

Mr. McCUMBER. I know that the Senator has been sick and absent.

Mr. TILLMAN. I have been absent, not sick.

Mr. McCUMBER. And therefore he is not acquainted with all that has been going on. I am assuming that he has read what has been doing in the Senate, and I did not think it necessary for me to go over all the questions.

Mr. TILLMAN. I have not read all that has gone on, because there has been little going on except adjourning from day to day, and I did not think it worth while to read the CONGRESSIONAL RECORD.

Mr. McCUMBER. If the Senator will read the CONGRESSIONAL RECORD, he will find that something has been going on upon the report of the Census Committee.

Mr. TILLMAN. Will we have an opportunity to vote with the Senator on this question?

The VICE-PRESIDENT. Will the Senator address the Chair?

Mr. TILLMAN. Mr. President, I beg the President's pardon. I hope that he will hold all others to the same rule.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. I yield, Mr. President.

Mr. TILLMAN. I hope the Senator will give us an opportunity to go on record as to whether we want his system of appointments carried out or whether we are going to allow the Civil Service Commission to ignore the law, as it has been doing.

Mr. McCUMBER. I hope that after the Senator from Wisconsin and those on the conference have explained their views on this subject we may have a vote upon it, unless they show that it would be wholly useless to have a vote at this time.

But I want to call the Senator's attention again to a paragraph in the Star of the 13th, in which we find these words:

> This paragraph requires that persons appointed to position in the new service under the apportionment of offices law must have been bona fide residents of the States to which they are accredited for at least one year.

They object to their being compelled to say that they are bona fide residents. They say:

> This virtually deprives the people who live in the District of all chance of appointment to places in the departments.

The reason is, it has been suggested, that their quota has not only been filled, but it has been filled several times over.

Now, I wish to call the Senator's attention to an article in the Star of April 16 in which, after complimenting the conferees very highly for their work in striking out this provision, it says:

> This action of the conferees will enable residents of the District who claim legal residence—

Not who have legal residence, but who claim legal residence—

> in the State or Territory from which they originally hailed or from which their parents come to enjoy the opportunity which they enjoy at present to obtain employment not only in the Census Office during the taking of the Thirteenth Census, but in all other government offices. If the Senate amendment had become law, the people of the District would have been cut out entirely, for the District quota of government employees under the civil-service law is always filled to overflowing.

Mr. President, the whole question, as I have stated, is whether or not the several States are entitled to their apportionment. Every Senator here knows that the States have been robbed of apportionment under the operation of this law, and the way they have been robbed is by a claim of a legal residence where no residence was actually obtained or had ever been obtained by the applicants. Many young men throughout the several States of the Union are anxious to come to this city and work for a few years in government service, and then, after getting an education at the night schools, to return to the States from which they came. That opportunity ought not to be denied them. That opportunity is denied them. In these appointments, as I have shown, whole families are taken in; and not only whole families, but, as I have shown here, in one little subdivision the wife in one instance is taking care of the husband, and in the other instances six out of nine are married women, and the husbands are also in employment in other branches of the Government. While this is going on, and while these families are drawing two salaries, people in your State and in my State are being denied the right that the law gives them and that the rules give them.

I asked General Black, who is at the head of the Civil Service Commission, when before the committee the other day, if there would be any difficulty whatever in securing from the several States a proper quota. He said there would be none in the world. We have examinations every six months in every State and Territory in the United States, and the quota could be filled with good and competent people.

I hoped that this provision might be adopted that would shut off the fraudulent practices. I am not much of an admirer of the civil-service law, Mr. President. I believe in it so far as an examination is concerned. I believe in it so far as securing the best ability is concerned. But I do not believe in it when we carry it to the extent of saying that when once in government position it shall be a life position.

So I believe in a proper civil service; and while I do not agree with the rules that have been laid down in holding incompetent persons in official position, I do think that those rules which give to a State its proper quota will prevent a few of the abuses, and I feel as though that provision ought to have been retained.

Mr. LODGE. Mr. President, I think the amendment that was offered by the Senator from North Dakota and adopted by the Senate strikes at a very real and a very grave abuse. It is perfectly idle to say, as is said in the newspaper article which the Senator read, that such a provision would exclude the inhabitants of the District from a fair representation. They are entitled to their quota, as every State is entitled to its quota in the service, and nothing would deprive them of it. But in practical working they get many times their quota. Persons who have lived in the District, whose connection with a State is purely nominal, whose children have been born and brought up here, claim residence in the State and are put down to the State's quota. The result is gross injustice to the States. The quotas are not real. A State apparently gets its quota, but, as a matter of fact, it does not gets its quota. A large part of it is made up of people who have no real connection with the State at all, people who never go there to vote, and who take no interest in the State or its affairs.

I am very sorry, Mr. President, that it was thought necessary to abandon this clause. Possibly the reason is that it was too sweeping, that it should have been confined to the census; but the evil is as broad as the civil service.

I am glad this debate has arisen, so that we can call attention to this evil, which undoubtedly exists and which nullifies the intent of the law and the arrangement of quotas, which means to distribute the offices under the classified service fairly throughout the Union. That is not done now. There ought to be some way of testing the right of any man or woman to claim a place on a State's quota. There is no such test now that I am aware of.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I do.

Mr. CARTER. Mr. President, the civil-service law appears to vest in the commission quite extensive jurisdiction in the matter of promulgating rules and regulations. As the Senator aptly states, the law now contemplates an equal apportionment according to population amongst the several States. But it is asserted that the law is in practice nullified by virtue of subterfuges employed with reference to residence.

I ask the Senator if it is not clearly within the power of the Civil Service Commission to prevent such violation of the law by indirection through the mere promulgation of a rule which will require evidence of actual residence in a State in lieu of the subterfuge which is now accepted as evidence?

Mr. LODGE. Mr. President, I think the powers of the Civil Service Commission are very extensive in the way of rules and regulations. I have not inquired into the matter lately, but my impression is that they require affidavits, the certification of a notary public, and similar things to prove residence. The trouble is that those are not honestly given. They do not get at the real residence, the real domicile of the person. There ought to be some provision of law which should make the practice to which the Senator from Montana [Mr. CARTER] alluded impossible.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I do.

Mr. CARTER. Mr. President, the laws of the respective States fix certain periods as necessary for a residence prior to casting a legal vote in the State. May not the Civil Service Commission exact from the applicant for an examination, or an appointment thereafter, evidence that such person is, if a male inhabitant of the State, a qualified elector, and, if a female, possessed of the length of residence necessary to qualify a person to vote in the State?

I understand that actual residence within the State is essential, and I can not perceive how the Civil Service Commission can be relieved from responsibility in exacting such proof as may be necessary to secure compliance with the letter and spirit of the law. I think it is known to the members of the Civil Service Commission—bright, intelligent, and observant, as they are; conversant with every violation of the law, and quick to resent it—that this matter of residence is being trifled with; that perjury obtains, that false certificates are given, and that the law is openly and notoriously evaded and violated. That commission, it seems to me, is accountable to the country and the Congress for permitting violations of the law, and it does seem that the Congress should not be required, after expressing its intent in the most clear and specific way, to come forward with additional conditions in order to require or secure, if you please, proper execution of the law by the commissioners, who are generally very vigilant in seeking out those who violate its provisions.

Mr. LODGE. Mr. President, I have made no special inquiry recently, but my impression is very strong that the commission does take what appears to be reasonable precautions requiring, as I have said, certificates, witnesses, and all that

sort of thing. But, as a matter of fact, the abuses continue; as a matter of fact, the States are deprived of their quotas by indirect methods, such as have been described on this floor. If it is within the power of the Civil Service Commissioners to regulate this and to prevent it, then they ought to do it. But I had the impression that additional legislation would probably be needed. I merely wish to say, as one who has taken a great deal of interest in the law, that I think there is a grave abuse there, and that it is unfortunate that the other House has proved unwilling to take any steps toward remedying it.

Mr. LA FOLLETTE. I think, Mr. President, that the abuse, so called, of this provision of the law is somewhat exaggerated. A list of the appointees in the civil service charged to any State will no doubt disclose some names of people who are known not to have been recently domiciled within that State. With respect to the law of apportionment, perhaps this ought to be first said: That nearly one-third of all the employees in the classified civil service at the present time did not come into the civil service through examination and subject to the law of apportionment at all. About 75,000 of the employees within the classified civil service at the present time were classified in under executive order or were covered into the classified service by the passage of the law. So that at least one-third of those who are now serving are not subject to the provisions of the civil-service law which require apportionment. It seems to me that if any criticism can be fairly lodged anywhere for neglect, it lies against the Congress and not against the commission. The commission at present requires proof of residence. Of course it is not possible for them to institute a special investigation with respect to each particular applicant for examination to test the validity of the claim of residence and the proof of residence offered by the applicant.

Furthermore, I think it will be found that a large number of the people who are holding these positions and living in the District of Columbia are actual legal residents of the States, although, according to the popular understanding of that term, they would not be regarded as residents of the States. For instance, some head of a family in the public service here locates his family in Washington, but maintains his residence in the State from which he came twenty-five years ago. He maintains a legal residence there; he is only temporarily a resident of this District. He goes home possibly from time to time to exercise his right as an elector of that State——

Mr. HEYBURN. Mr. President——

Mr. LA FOLLETTE (continuing). Or he may never go home to exercise that right.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. In just a moment.

But if it is his intention to return to the State in which he was domiciled at the time he received his appointment; if he never has abandoned that intention, although he may not have returned to that State for many years, he still retains a legal residence within that State. Now, I will yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I would like to inquire of the Senator from Wisconsin whether or not, in his judgment, that right of continuous citizenship in the State from which the man comes is transmitted to any other member of his family?

Mr. LA FOLLETTE. In my opinion the children take the residence of the father.

Mr. HEYBURN. Mr. President, the exception comes always from direct provision of law, either constitutional or legislative. I will call attention to one, which may be taken as a fair example of practically all of the provisions in regard to suspended citizenship in the United States. It reads thus:

> For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State, or of the United States, nor while engaged in the navigation of the waters of this State or of the United States, nor while a student of any institution of learning, nor while kept at any almshouse or other asylum at the public expense.

That applies only to a single person as affecting his residence. Would the Senator hold that a son, who is born in the District of Columbia during the incumbency of his parent in office, upon coming of age could go to the State of his parent and vote under that provision?

Mr. LA FOLLETTE. I have not any doubt of it, Mr. President.

Mr. HEYBURN. That seems to me to enter very largely into the question.

Mr. LA FOLLETTE. And I know that that right is exercised by the sons of people who have long resided in this District and who never were actually domiciled within the States to which they go to vote.

Mr. McCUMBER. Will the Senator from Wisconsin allow me to ask the Senator from Idaho another question right along the line on which he is speaking?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. Certainly.

Mr. McCUMBER. I should like to ask the Senator from Idaho whether or not he believes when a man has left a State to go into government or other employment and has no intention of ever returning to the State from which he came, that his family would thereby always remain residents of that State, there being no intention of ever returning, they having no home or no place of domicile in that State?

Mr. HEYBURN. Mr. President, I think the proper answer to that question is obvious. Of course the intent governs, subject to legal limitations.

Mr. McCUMBER. And if there is no intent to return—and in the case of 99 per cent of the people who are holding these life positions here they never expect to return—then their children and their children's children are not residents of the State from which they emigrated?

Mr. HEYBURN. Mr. President, I should like, with the permission of the Senator from Wisconsin, if I may interrupt him a little longer, inasmuch as I presume he is now answering all that has been said with the intention of closing the debate——

Mr. LA FOLLETTE. No; I was just speaking in reference to one point.

Mr. HEYBURN. Then, I will wait and submit what I have to say in my own time.

Mr. LA FOLLETTE. Mr. President, I do not apprehend that an appointee in the government service here from any State would be found to have expressed or to have formed any fixed intention of abandoning his residence in the State from which he was appointed, no matter how long the period of his absence may be from that State. He could scarcely expect, if he went out of the government service, to remain in Washington, for he could not find employment here in any other service, and if he had no fixed intention of abandoning his residence in the State from which he was appointed, even though he might remain here temporarily, or for a long period of time, his legal residence would still be within that State. So I say, Mr. President, in that respect I do not believe that any criticism of the Civil Service Commission is justified. I do think that there is room for remedial legislation, and if anybody has been remiss, I think it has been Congress.

I will say to the Senator from North Dakota [Mr. McCUMBER] that personally I was, and am still, in entire sympathy with the purpose of his amendment. I do not think that it was altogether perfect. After the matter went to conference, my attention was called to one feature of that amendment, or to an omission from it, which, I think, made it very objectionable.

Mr. McCUMBER. I think I know to what the Senator refers, but I will ask the Senator if that could not have been obviated by a very slight amendment?

Mr. LA FOLLETTE. I was going to state very briefly to what I referred.

Mr. McCUMBER. I want to say right here, if I may, that there seems to be a misunderstanding as to the object of that provision. I do not think it applied to anyone except those who were entering the service, and not for examination for promotion or transfer after they had been in the service.

Mr. LA FOLLETTE. I agree with the Senator that that was the construction that should have been given to that provision of the amendment. I think, however, that it could have been more clearly worded in that respect. That, however, was not the matter to which I wanted to call his attention, for I hope that the Senator will put his amendment into a bill, introduce it, and let it go to the Committee on Civil Service and Retrenchment, where it will receive consideration and from which committee I have little doubt that it will be favorably reported, for I say that, so far as I am concerned personally, I agree with the purpose generally of the amendment. I think that the legislation is actually necessary if this defect in the law is to be remedied. It can not be done by construction or by the promulgation of rules by the Civil Service Commission.

I do think that the amendment was defective in one respect. It should have provided an exception to the general rule, and that exception ought to be—and I should like the attention of the Senator from North Dakota, because I am saying what little I say largely in response to what he has offered here this morning——

Mr. McCUMBER. I am listening to the Senator.

Mr. LA FOLLETTE. I think an exception should be made to the rule laid down in the Senator's proposed amendment, and that those who are to be examined for scientific and technical

service ought to be excepted from the requirement of being examined in the States of their domicile. In that limited field, it seems to me, the Government ought to be permitted to make its selection from the widest possible area; but, so far as the greater part of all the civil-service appointments are concerned, I believe that one State can offer quite as competent candidates for positions as another State, and it seems to me that, without interfering at all with the operation of the merit system, the appointees can be fairly apportioned among the several States.

But, Mr. President, we had to deal with the Representatives of the House in conference upon this subject. There is every reason in the world why this census bill should become a law just as soon as possible. The Director of the Census will be pushed to the limit to provide for the housing of the large additional force that is to be made to the census force within the time limit, and he will be driven hard to complete the census within the period fixed by this bill. So we were obliged to make some concessions in order to arrive at an agreement in the conference committee and bring this legislation to a speedy conclusion.

The House members of the conference committee were able to urge with a good deal of force that it was an amendment of the general civil-service law; that it had not fairly any place upon a bill simply to provide for the taking of the decennial census; that the general civil-service law perhaps required amendment in many other directions, and that a bill ought to be introduced, taken up by the proper committee, and reported at an early day covering the whole field. Acting as best we could to carry out the purpose of the Senate, holding fast to as many as possible of the provisions that the Senate wrote into this bill, yet in order to get a report before this body and the other body as speedily as we could we were obliged to make some concessions, and this among others.

I want to say with respect to the criticism generally that only the appointees provided for in section 3 of the bill as passed by the Senate are taken out of the classified service by the agreement which the conferees arrived at and are left to appointment by the Director of Census, with such examination as he chooses to prescribe. With respect to all other appointees provided for in the bill, except operatives of mechanical appliances who have had previous experience in census work, all of the clerical force, messengers, assistant messengers, and so forth, are required to be appointed upon a competitive examination given by the Civil Service Commission upon tests to be prescribed by the Director of the Census.

So that, in so far as concerns the preservation of the civil-service features, the absence of which was the cause of the veto of the previous bill by President Roosevelt, I think the conference report is above reproach and fairly meets and more than meets the criticisms of that veto.

Mr. McCUMBER. Mr. President, I wish to say to the Senator, in answer to his suggestion that the matter might be postponed and be taken up in a special bill, that I think it is particularly pertinent now, when the question of the civil service is being discussed and more or less being modified in the particular bill before us, to modify it in another direction that will bring about greater justice in the administration of that law. Such an amendment can be secured, if at all, probably as well by another conference as in any other possible way. I wish the Senator would consent to allow the matter to go into conference for one day more, so as to see if he can not so amend that section, if he thinks there is anything objectionable in it, and that the House may agree to it.

It has been suggested in the article which I read—I did not read the whole of it—that this provision was adopted without due consideration being given to it. Consideration has been given, at least in this debate, to the principle involved, and I should like a vote of the Senate upon the question whether or not it is the belief of the Senate that each State should have its quota in the government employment. If it should, we ought to disagree to the conference report, let the bill go back to conference again, and make one attempt, at least, along the line that has been suggested. If an agreement can not be had to-morrow, certainly I would not further obstruct; but I hope that we may have a yea-and-nay vote upon that question, so that we may have the sense of the entire Senate upon the simple proposition.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator from North Dakota if his objection in any way affects the employees of the Census Bureau outside of the city of Washington, or is any class affected by it outside of the employees in Washington?

Mr. McCUMBER. To some extent I have no doubt that possibly citizens living in one State, having really a home in one State, often claim residence in another State whose quota is not filled; but the main objection is to those living here in the District of Columbia claiming a residence where an uncle or aunt or some relative of that kind lived thirty or forty years ago.

I want to call the attention of the Senator to one case that I found when I first came down here. I met a man who was running an elevator, I think, and he told me he was from my State. I asked him from what portion of the State he came, but he could not remember the name of the place. He said he had a son-in-law who took a claim out there once and that he had visited him at one time. Upon the strength of that visit and the residence of his son-in-law he claimed a residence in that State, and was awarded a position as a resident of that State. I want to meet such conditions as those and to prevent that character of fraud.

Mr. HEYBURN obtained the floor.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. McCUMBER. I yield to the Senator. I am through.

Mr. BAILEY. I thought the Senator from Idaho had merely taken the floor to make an inquiry.

Mr. HEYBURN. I will only retain it for a moment.

Mr. BAILEY. All right.

Mr. HEYBURN. Mr. President, as I understand the situation—and I have given some little attention to it—it affects only about 4,000 employees of the Census Bureau—that is, those who will be employed in Washington City. Their right to this patronage is what you might call an "inherited right." They inherited it by virtue of having come to Washington as a part of the civil-service machinery, which is practically an appointment for life to the service of the Government. I have frequently wished that we might have the civil-service question squarely before the Senate for consideration. There are very great evils existing under it, which I do not now propose to take up for any extended consideration; but I hope to see the day when the civil-service law will carry with it a limited tenure of office. The evil grows out of the fact that once in always in, without regard to the result of age or conditions that may disqualify a person who is once appointed, until—while I respect and honor gray hairs—if you will look down some of the aisles in some of our great departments, you will see a sort of snowdrift of age, respectability, and former competency, to be estimated and dealt with. We have got to meet it either by a pension law for those who have become unable to render the service for which they are paid, or to establish a limited tenure of office. I do not think anyone should be called upon to serve the Government under the civil service for more than ten years. If within ten years they have not by their frugality laid a sufficient foundation to enable them to go back to the part of the country from which they came and take up the burden of individual citizenship, then there is something wrong with them. I do not believe in the habit of office holding. I believe in a limited tenure, say of ten years, that would rotate and afford just as effective and able a service as we have to-day, and which would eliminate a number of objectionable features from it.

I merely wanted to make the suggestion in connection with this matter more because we so seldom have the question of the civil service before us. Frequently bills are introduced intended to mitigate the evil, but they never reach action. We are face to face with it now. We are providing that about 4,000 employees of the Census Bureau may be appointed from the city of Washington by the ordinary methods of the Civil Service Commission. That is a small proportion of the employees. I understand that there are to be something like 70,000 enumerators, and, taking them all together, something like 120,000 employees. This is a very small proportion, and I would not think it worth while to make any serious controversy about it. But one of these days we must take up this civil-service question and arrive at a wiser conclusion regarding it than that with which we are confronted to-day.

Mr. HALE. Mr. President, the committee of conference found itself confronted with a serious difficulty. The positions taken upon different parts of this bill by the two bodies were directly opposed. We found, for instance, a very strong feeling on the part of the House, as represented by its conferees, that the supervisors, who have charge of the census in the different States, should not be subject to the scrutiny of the Senate, but that the appointments should be given by the President outright; that, as the phrase is used, he should have a free hand.

We found serious controversies with reference to the housing, the accommodation, of the census, and that the Senate had taken one position and the House another. We found differences between the two Houses upon the salaries, where the Senate had

reduced. We found, Mr. President—and it was a matter of serious moment to the conference—that every day's delay embarrasses this great work, and that it ought to have been set afoot and been in operation before this.

Under these conditions the result of the report was concession upon both sides. The amendment offered by the Senator from North Dakota and adopted by the Senate commended itself to the Senate conferees, as it had to the Senate. It was not perfect, but sought to accomplish a good purpose. But the Senate conferees found the House conferees obdurate upon this, and it was claimed by them that here in a census bill, devoted to census purposes, an amendment to the general civil-service law, applicable to residence in States and the apportionment of appointments, had been put on; and the House conferees declared that they could not agree to it. Under these conditions, with all these things standing before us, the report was made up by mutual concessions.

Mr. President, the Senate can reject the report. The House has sessions only twice a week. If so, it has all got to go back. In the meantime the tariff debate is pushing and pressing, and there is the gravest danger, Mr. President, if this report is not adopted, although it does not please everybody, that the whole business will be turned aside, and not only days, but weeks, may pass before anything is done or can be done in the condition of the business of the two Houses.

It is for the Senate to say. We have done the best we could. We have made concessions—important concessions; the other side has made concessions—important concessions. The bill in itself, in its provisions, is a good one. It does not contain everything that everybody wants, but it is the result of a fair and open conference between the two Houses, and I have never known, under such circumstances, the Senate without consideration to turn it aside and reject the report. I hope it will not be done now.

Mr. BAILEY. Mr. President, as one of the conferees of the Senate, I sought, of course, to sustain its action with reference to this particular amendment, though I made no concealment there and I make no concealment here that the amendment is subject to a very sound objection. Not that the amendment itself, or that the purpose which it seeks to serve, may not be desirable; but it is always a bad practice to incorporate general legislation in a bill relating to a particular and a single matter, and had I been on the floor of the Senate when the question was taken I would have voted unhesitatingly against this effort to perfect a law which the Senator from North Dakota knows to be a humbug and a sham, as well as I do.

I have found some satisfaction in these discussions because they illustrate how this just and perfect law has been made to cheat communities as well as individuals. I want to say that I am not yet persuaded, as a matter of principle, that men are to participate in this Government according to their education any more than I am that they should according to their locality, although other things being equal I should prefer to vote for a man from a State which had not been fortunate enough to secure its fair quota of the public offices.

But if your civil service has any merit in it at all and if education is to be the test, then the man with the best education, no matter where he comes from, ought to have the office. In other words, if you establish an educational qualification, and if you are to judge men by the grade which they can make upon an examination, then the man who makes the highest grade, though he come from the State of Maine, should have preference over the man of lower grade, though he come from the State of North Dakota. They concede that their educational requirement is not perfect, because they provide that the apportionment among the States shall be made, and thus the applicants from a certain State are only required to compete with the other applicants from that State. But here again these well-meaning people commit a palpable and frequent fraud by putting in men whose State's quota is already more than full as compared with other States.

But all that aside, if I believed in the principle of the civil-service law and if I believed that the general civil-service law ought to be amended on this particular bill, I should still have felt constrained to yield to the House contention, as I understand it. If I am wrong, the Senator from Maine will correct me; and he may probably, in the moment that my attention was diverted, have stated this himself. But if he has not, I will; and if I misstate it, the Senator will correct me.

My understanding is that the rule is well-nigh universal that when either body incorporates a provision of general law upon a bill relating to a particular subject, the body doing it is the one to recede in case of a firm disagreement between the two Houses. Is that generally true?

Mr. HALE. So far as I know that is the rule generally observed.

Mr. BAILEY. It is not only the general rule, but it is a general rule founded in common sense as well as justified by long and continuous practice. If either House could defeat particular and necessary legislation by incorporating into these particular bills a provision for the amendment of a general law, then either House could be prevented from expressing its independent judgment upon the general question.

Mr. LODGE rose.

Mr. BAILEY. The Senator from Massachusetts rises.

Mr. LODGE. I merely wish to ask the Senator a question in this connection. Undoubtedly the practice is just as the Senator from Maine has stated it. But this bill, as it originated in the House, amends the general law.

Mr. BAILEY. This bill as it originated in the House may amend the general law, but the Senate has made no objection to that amendment or to those amendments. Therefore they pass, no one protesting; and so it would be if the House did not object to this amendment to the general law incorporated in the bill by the Senate—it would pass.

I do not dispute the right of either House—though I do question the wisdom of the practice—to seize upon any particular bill and to force, if it can, an amendment to the general law. All I state is that under the practice the House, incorporating an amendment to the general law upon a particular bill, must yield if the other House resists. I repeat that is not only the long practice, but it is the sensible practice, or otherwise one House could say to the other, "Unless you amend the general law, you shall not pass this particular bill." So I think that, all things considered, the report ought not to be sent back with a command to the Senate conferees that they demand of the House to yield on an amendment to the general law against which they protest.

I have no authority to speak for the conferees of the House; I have no right to divulge what passed in the conference committee room; but I think it reasonably certain that they will not yield to this provision, and I may be permitted to state, without assuming to state what they think about it, that in a work like the census work, to be done rapidly, to be done almost as an emergency work, it is practically impossible to hold these examinations in the distant States and bring people here to do this work. One of two things would inevitably happen: Either you must keep many men here on a waiting list, at the Government's expense or at their own expense, or else you must send for them, and you must delay the work which an emergency requires until they can set their houses in order and make the journey to Washington. That will certainly mean days, weeks, and perhaps it will be months.

Mr. President, I have not had such a long and such a minute experience as has the Senator from North Dakota, but I have recently had called to my attention a very great hardship worked under the civil-service law.

A bright young girl from my own State was brought here under one of these examinations. She passed the probationary period. She was given a permanent appointment. Four months after she was given her permanent appointment she was notified that on the 1st of July she would be dismissed; and thus this young girl, brought from a distant State at an enormous expense—enormous compared to her ability to meet it—stays here less than eight months in that position when she is notified that she is to be dismissed. I think it has been no advantage to her to be brought here and serve in that fashion.

I am not perfectly certain that we do our constituents a service if we bring them from our States to locate them here, because they cease to be citizens, or at least, according to the contention here, they cease to be citizens. They are almost aliens under their own flag. They are not permitted to exercise the right of suffrage here, and if the doctrine we have heard this morning is to be put in force they will not be permitted to exercise suffrage in the States from which they came. I am not prepared to think that a due participation in the offices which are to be filled here at Washington is a very valuable right.

I am of the opinion that in the average case we do a bright young man an injury, a positive injury, to withdraw him from the activities of his State, a useful business or professional career, and bring him here and set him down in one of these offices, even if the tenure is long and the salary certain. But whether that be right or wrong, whether these offices under what you are pleased to call the "merit system" shall be apportioned among the States or not, you can not successfully apply that rule to an emergency work.

Mr. President, it was stated before the committee that it took them six months at one time under the civil-service law to procure an assistant engineer in one of the departments. They stood the examination, and three names were certified, probably; they selected one, and that one did not want to accept the

place. Then they appointed another, and he had gone away from where he was. Perhaps they could not find him. They then appointed the third man, and he said he wanted time to make his preparations to come here.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. It may be interesting to the Senator from Texas to know that it has taken nearly as long as that to get a fourth-class postmaster in a town where the post-office pays only $100 salary, since the civil-service law was made to cover those offices. I understand there have been a great many vacancies which could not be filled, and that there are post-offices to-day with no official and responsible head, awaiting designation for appointment under the civil-service law.

Mr. BAILEY. The Senator from Michigan is speaking, of course, within his knowledge. I have no doubt there are many instances like that which could be found, but when you want work done at once you want a man to come. He can not leave the next day. If he is fit to serve the Government, he is making a living, working either for himself or for somebody else. If he works for himself, he can not close his shop and inconvenience his customers. If he is working for somebody else and is an honorable man, he can not lay down his tools when he receives a message from Washington and walk out and leave his employer with nobody to take his place. He must be fair to those for whom he has worked or with whom he has worked. He must give them sufficient notice to obtain somebody to take his place. Must the great and rapid work of the census wait upon that slow process? It is impossible to apply this rule to a work that must be done with dispatch; and the Congress of the United States will, in my judgment, make a serious mistake if it refuses to allow the Director of the Census, when this work is required to be done in so brief a time, to employ the best talent he can find, and wherever he can find it, for a work that will not wait for somebody to come from a distant Commonwealth to do it.

Mr. NEWLANDS. Mr. President, I am surprised to find that the conference report states that the Senate receded from Senate amendment No. 37, relating to the housing of the Census Office, for I was led to believe from the newspaper report which I saw yesterday that this particular amendment had been accepted.

The Senate will recall that the House provision was that the Government should purchase the present site occupied by the Census Office, at a cost of $430,000, and should add a new building, at a cost of $250,000 more, and that the Senate's action gave the Government the alternative either of pursuing this course or of purchasing a new site and of erecting a building upon it or of erecting a building upon some site now in the ownership of the Government, such as the site intended for the Hall of Records, all of course within the limits of an appropriation of $750,000.

I should like to ask the Senator from Wisconsin, the chairman of the committee, who is in favor of this amendment, whether any considerations were presented in the conference which led him to doubt the wisdom and justice of this amendment?

Mr. LA FOLLETTE. I will say, in answer to the Senator from Nevada, that my own personal judgment has not changed with respect to the wisdom of the Senate amendment, but, as the Senator well understands, we were confronted with differences of opinion which had to be adjusted if a conference agreement was to be reached at all.

Mr. NEWLANDS. Whilst there is much in the contention, so far as concerns the amendment urged by the Senator from North Dakota, that the Senate should yield regarding an amendment, covering general legislation, to a bill devoted to a particular subject, yet that argument can not be applied to this amendment, for this belongs to this particular bill, and it relates to the housing of this great force of three or four thousand people who are to do the work called for by this bill.

I see no reason why the Senate should recede from this amendment. I see no reason why it should not insist upon it. This amendment does not involve necessarily the rejection of the House provision, for it was included within it. The Government, under this amendment, can, if it deems it wise and just, purchase the existing site and building and put up the construction called for by the House bill. But under this amendment of the Senate the Government can also, if it deems it unwise and injudicious and inhumane to put 4,000 employees upon an insalubrious site, in a place ill adapted for this important work, either buy a site or utilize another as yet unutilized site in the ownership of the Government to which these objections do not apply, and can within the limits of an appropriation of $750,000 provide for these 4,000 employees in a manner becoming to common humanity.

I have heard no one contend that the present location of the Census Office is a proper one. We all know that during the taking of the last census the employees suffered severely from the inconveniences of that location. The chairman of the Census Committee himself informed me that at the hearing evidence was given to the effect that during the heated season it was a daily occurrence for seven or eight of the employees to be removed from the building in a state of utter prostration, caused by the intense heat. We know that a large portion of that building is covered by a skylight, through which the sun beats with great intensity, and that in these rooms human beings are crowded; that the site is insanitary, the lowest in the city, right over the old Tiber Creek, and they have been compelled at that site to have a force of nurses to take care of the people who have been made ill by reason of existing conditions. Yet the House refuses even to let the Government exercise its judgment regarding the situation.

I presume the statement will be that this will mean loss of time. The census is to be completed within three years from next January. How much time will it take the Secretary of the Treasury, under the Senate amendment, to come to a conclusion? He can summon before him immediately the Director of the Census, the Supervising Architect of the Treasury, a great architect like Post, of New York, or Burnham, of Chicago, the great Fuller Construction Company, and determine within three hours whether it is possible to put up such a building as is intended for census purposes within a period of from nine months to one year, and, if it is impossible to do it, can he not then accept the existing site under the Senate amendment?

Is there any doubt that such a building can be constructed within nine months or a year? I had here the other day a letter from the Fuller Construction Company, which has put up most of the great buildings of the country, certifying that they can complete such a building within ten months. Do we not all know that the great Stock Exchange Building of New York, a magnificent building, monumental in character, was planned and constructed and completed within one year? Are we not to give the Government at least one opportunity of indicating that it can do a businesslike thing in a businesslike way? Does the House fear to submit to the Secretary of the Treasury the opportunity, within a few hours' conference, of calling together the big architects and the big constructors of the country and determining this question?

When we witness the great constructions of the country, the marvelous celerity with which the great White City of Chicago was constructed, the great celerity with which buildings were put up at Buffalo and St. Louis, what reason have we to doubt that this can be completed within one year? It involves simply the construction of a structure of large spaces, rooms 50 feet wide and 100 feet long, and we all know that the great time that is taken in the construction of some buildings is in the interior finish, in the finishing of small rooms—bathrooms and things of that kind—whereas here it is the construction of large spaces. A great architect can design an attractive building, one that will please the eye, with all these spaces, within a week; he can do it within three days, for he has only to follow models that are within his actual experience. A great constructor can take up this work, and if necessary pursue it night and day.

Why should we not give the Government a chance to exercise its judgment, and if in its judgment it is possible, to do this desirable thing, when the health and the safety of 4,000 employees are concerned, regarding whose interests Congress has not been so considerate as it should be?

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. I should like to inquire for my information if the Senator knows to whom this property belongs.

Mr. NEWLANDS. It belongs to an estate. I can not recall the name of the estate. I have no reason to doubt that the amount is reasonable.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. Certainly.

Mr. LA FOLLETTE. If the Senator will yield a moment I will state that it belongs to the estate of M. G. Emery.

Mr. NEWLANDS. Mr. Emery was a banker here.

Mr. LA FOLLETTE. I can not say who he was except that he is dead. I do not know who he was.

Mr. NEWLANDS. Mr. Emery was a prominent citizen and banker.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. I will state to the Senator that Mr. Emery was an old resident of Washington, that he came from my own State, and he was mayor of the city of Washington at one time. He was a man of the highest personal and business integrity, and, from the information I get, his property is being sold without any middlemen or without any rake off to anybody. Beyond a doubt, it is very cheap property at the price at which it is offered to the Government.

Mr. NEWLANDS. Mr. President, I have no reason to doubt the good faith of the transaction or the reasonableness of the price.

Mr. BACON. With the permission of the Senator, I will say that I did not intend to be understood as casting any reflection on anybody. I asked in good faith, because I did not know; I desired to know, I was entitled to know, and I am glad now that I do know.

Mr. GALLINGER. I can assure the Senator from Georgia that I had no thought he asked the question in any other spirit than that of getting information.

Mr. NEWLANDS. Mr. President, I wish to say that I have no reason to doubt the good faith of the transaction so far as the owners of the property are concerned, and I have no reason to doubt the reasonableness of the price, but I do question the suitableness of the location. I believe that the Government should at some time acquire the block in question as a part of the great project of improving the city and improving the grounds about the Capitol, but I do not believe that this property should be acquired for this purpose.

I believe humanity demands that the Senate of the United States should adhere to this amendment, reasonable as it is, and permit the Government to exercise the judgment, which necessarily we can not exercise here, to inquire into the facts and come to a speedy conclusion, whether that conclusion be the acceptance of the present site or the construction of a proper building upon some other site to be selected by the Government. For that reason I shall oppose the adoption of the report.

Mr. McCUMBER. Mr. President, I wish to correct one error that seems to be quite prevalent here, and that is that the amendment which I offered and which was adopted by the Senate, and which the conferees agreed should go out, was in conflict in any way with the provision in the census bill allowing the director to select anyone who is qualified by previous work without this examination. It is not in conflict with it, as one would think by the argument that was made by the Senator from Texas.

I want to speak with reference to another matter also, and that is as to this being general legislation. The House sent here a bill in which they repealed a part of the general legislation relating to the civil service. The House is in no position, therefore, if we adopt their clause which repeals a part of the civil-service law for the benefit of this bill, to object if we should also ask to add to the civil-service law a provision which may be called "general legislation." In other words, if they by a bill affect general legislation by an amendment, then they can not object to our affecting general legislation also by an amendment, the one adding to, the other taking away. That is the only difference in the world.

The Senator from Texas stated that it was an injury to any of these people to come from the States and go into this government employment. If it is an injury that he wants to prevent, is it not equally an injury to those who are in the city here who are put into government employment, and remain there the whole length of their lives, and have to be generally supported by the Government or by some charitable institution when they get through?

All the Senators who have spoken upon this question have agreed with me that the legislation is right and along proper lines, while they may say that it ought to be amended in some little particular. That could be done in conference. Every one of them also agrees that the injustice that is practiced under the present law is enormous. Every one of them will agree that this will to a considerable extent be remedial legislation against such injustice.

That being the case, I can see no reason why the report may not go back to the conferees and let the conferees see if they can not make such a modification as would be agreeable both to the Senate and the House. If that could not be done, the Senate will be in session to-morrow, and I would make no objection against the adoption of the report.

Mr. MONEY. Mr. President, I heard with a great deal of interest the remarks of the Senator from Nevada [Mr. NEWLANDS]. It happened that during the taking of the last census I was in the city, in a very heated term. I do not now recollect why I was here. I recollect that I heard through the papers that seven ladies had fallen prostrated at their desks in the building down there, overheated or overworked or something. I went down there and interviewed Governor Merriam, who was the superintendent, a most excellent gentleman in every respect. He was kind enough to go over the building with me, and I found that it was a veritable hothouse. The superintendent had very pleasant rooms and so had the important clerks; but the mass of the women, who labor in tabulating statements and making out cards and I do not know what else, labor there under difficulties that would prostrate a dray horse.

It is not humane, it is not decent, to have the employees of this Government at work in such a place. The men can take care of themselves somehow, but these women can not. They are not at work for the Government for their health or for anything but the stress of hard circumstances that compel them to work for the Government, and they are entitled to good pay and they are entitled to good quarters. The health of those people ought to be considered. I do not care how much delay it takes or how much money it costs, we ought to suffer the delay and undertake the expenditure in order to secure the comfort and the health and the lives of these people. They do not forfeit their right as citizens and human beings because they become employees of the United States Government.

I have been through other places in this city where other employees were at work, because I wanted to see for myself what I had so often heard, and the conditions have been such that they would be incredible to one who had not undertaken to look for himself.

As this is an opportunity to rectify what I consider an enormous wrong, I shall agree with the Senator from Nevada to disagree to this report and let it go back in order that the Senate may insist upon its amendments.

I have nothing to say about the civil-service scheme and the work in the civil service except to say that I think the civil service itself is the biggest fraud and sham and humbug in this whole country. I do not believe in it, because I know how it works. I know that the greatest apostles and the greatest preachers of this new doctrine are those who violate it every day of their lives. The men who make the loudest professions are continually in the breach of the law.

I also know that when I was informed in the last census that I could make twelve temporary appointments for six months I did not ask anybody to come from Mississippi. I would not ask anybody to come here for six months' employment and spend three months of it in coming here and going back home, and risk the chances of the examination. So I appointed only three, whom I found here, who wanted the places. Most of the others I never saw in my life before or since, but they were people, I believe, who belong here generally in the District.

There are thousands of poor women in this District to-day who live, God only knows how, who are trying to keep the wolf from the door, some of them with the responsibilities of aged parents, some of them widows with children, who would be very glad to get these crumbs that fall from the master's table occasionally. I do not see why they should not have it. Why should any Senator insist upon dragging people two or three thousand miles to come here to do six months' service or a year's service? I quite agree with the Senator from Texas when he said, a while ago, that it was a cruel kindness to a young man to bring him from home and put him in public employment here. There he is an individual, and here he is a number. He loses his individuality, he loses his initiative, and he loses his citizenship. It is almost impossible, I suppose, to get along altogether with women in these minor clerical positions, but in such service I would take every man out of government employment as far as it could be done.

I hope that the Senate will disagree to the report and insist upon this humane amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. HALE. I ask that the bill be informally laid aside.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the unfinished business be informally laid aside. The Chair hears no objection.

Mr. HALE. I hope that we may have a vote on the conference report very soon, and that the Senate may then proceed with the unfinished business.

Mr. NEWLANDS. Mr. President, the suggestion comes to me from quite a number that I should make some amendment that would enable the judgment of the Senate to be taken upon this particular question with reference to the housing of the Census Office, but, as I understand it, the rules prevent that, and it is only possible to express our opinion regarding that particular amendment by rejecting the report. May I inquire if that is the case?

The PRESIDING OFFICER. The Chair so understands.

Mr. NEWLANDS. So all who stand for the humane housing of the Census Office will necessarily have to vote for the rejection of the report.

Mr. BACON. Mr. President, I desire to say only a word. I have no doubt, as stated by Senators on the floor, that the proposition for the sale and purchase of this particular lot is one beyond criticism, but I confess my curiosity was excited by the fact that the extraordinary position should be taken that that locality should be selected, and that alone, and that the slight opportunity for the Government to exercise any discretion was peremptorily denied. That is a strange thing to me. If the proposition were one which rejected that locality there might be some reason in the contention of those who oppose the Senate amendment; but when the Senate amendment recognizes the ability in the last resort to take that locality if it should be found necessary, and simply gives the opportunity to select some more desirable locality if it shall be found to be practicable, I can not see upon what condition such a position is assumed.

I do not desire to detain the Senate further than to say that, in common with other Senators, during the ten years since that building has been occupied it has frequently been my duty to visit it, and I have never visited it but what I have been impressed by the fact that in the whole city of Washington there is not a locality more unfit for the purposes to which it is put, owing to the circumstance that there have to be congregated there several thousand people, subjected to all the inconveniences and, to more than inconveniences, the inhumanities which are necessarily found there in the heated season of the year, when they must be at work. I have personally known of instances such as that narrated by the Senator from Mississippi [Mr. MONEY], where delicate women have succumbed under the conditions, which are sufficient to overcome strong men.

The PRESIDING OFFICER. The question is on agreeing to the conference report. [Putting the question.] The noes appear to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. I should like to have the exact proposition upon which we are to vote reported to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. BEVERIDGE. I am aware of that perfectly; but what I want to know before I vote, and several other Senators also, is exactly the proposition in the legislative form in which it appears in the bill before we vote. We can not vote upon what we may gather from a debate, more or less necessarily discursive. At least I shall not vote without knowing upon what I am voting.

Mr. HALE. This is a case that comes up every day in the Senate. It is simply the question whether the report shall be accepted.

Mr. BEVERIDGE. I am aware of that.

Mr. HALE. The report has been made, it has been read and printed, and the question is simply upon its adoption. Its reading can not be called for again, because it has already had its reading.

Mr. BEVERIDGE. I am perfectly aware that it is the customary question that comes before the Senate, as to whether a report shall be agreed to or not. I am also aware that not in one case in a hundred, on the question of agreeing to a conference report, are the yeas and nays called for. There have been two propositions of some kind or other debated here at considerable length. Those two propositions are told in a few brief words in the bill. So far as I am concerned, before I vote I want to know exactly the legislative form in which they are put. I think that is a reasonable request to make before voting.

Mr. HALE. The question is always on the adoption of the report.

Mr. BEVERIDGE. I know the question is on adopting the report.

Mr. NEWLANDS. Will the Senator from Indiana permit me to suggest that so far as I have heard the debate objection is made only as to two amendments?

Mr. BEVERIDGE. Yes; and I want to have those amendments read.

Mr. NEWLANDS. One amendment relates to the civil service, the amendment in which the Senator from North Dakota [Mr. MCCUMBER] is interested. The other relates to the housing of the Census Office, which is amendment No. 37. The two amendments are numbered 15 and 37. As I understand it, no disagreement has been expressed upon the floor of the Senate as to the action of the conferees regarding any other amendments.

Mr. BEVERIDGE. The two amendments, 15 and 37, could have been reported to the Senate in far less time than the discussion has occupied.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the conference report.

The Secretary called the roll, and the result was announced—yeas 32, nays 43, as follows:

YEAS—32.

Aldrich	Clarke, Ark.	Fletcher	La Follette
Bailey	Crane	Frye	Martin
Briggs	Crawford	Gallinger	Nixon
Bristow	Cullom	Gamble	Perkins
Brown	Cummins	Guggenheim	Richardson
Burrows	Curtis	Hale	Root
Carter	Dillingham	Heyburn	Stone
Clapp	Elkins	Kean	Taliaferro

NAYS—43.

Bacon	Daniel	Jones	Piles
Bankhead	Dick	Lodge	Rayner
Borah	Dixon	McCumber	Scott
Bradley	du Pont	McLaurin	Smith, S. C.
Brandegee	Flint	Money	Stephenson
Bulkeley	Foster	Nelson	Sutherland
Burkett	Frazier	Newlands	Taylor
Burnham	Gore	Overman	Tillman
Chamberlain	Hughes	Owen	Warner
Clark, Wyo.	Johnson, N. Dak.	Page	Wetmore
Clay	Johnston, Ala.	Paynter	

NOT VOTING—16.

Beveridge	Davis	Oliver	Smith, Md.
Bourne	Depew	Penrose	Smith, Mich.
Burton	Dolliver	Shively	Smoot
Culberson	McEnery	Simmons	Warren

So the report was rejected.

Mr. BAILEY. I want to submit a parliamentary inquiry. The vote just taken, as I understand, sends the bill back to conference?

The PRESIDING OFFICER. The Chair so understands.

Mr. BAILEY. Does it send it back to the same conferees?

The PRESIDING OFFICER. The Chair so understands.

Mr. BAILEY. Then I ask to be excused from service on the conference committee. In view of my opinion and the vote of the Senate, it is clearly improper that I should serve on the committee, and so I ask to be excused.

Mr. ALDRICH. The bill does not go back to the same committee, unless some motion is made upon the subject.

The PRESIDING OFFICER. The Chair so understands.

Mr. ALDRICH. It is usual for the Senator who has the bill in charge to make the motion.

Mr. LA FOLLETTE. I was not aware of the practice, Mr. President. This is my first performance on a conference committee. I submit the motion that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair. I trust that the Senator from Texas will consent to serve.

Mr. BAILEY. Mr. President, I have expressed the opinion that that amendment was a bad one and that it ought to be yielded. Entertaining that opinion when the Senate entertains the opposite opinion, I do not believe, in justice to the Senate or in justice to myself, that I can consent to serve, and I will not.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate insist upon its amendments, ask for a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate. Is there objection? The Chair hears none.

The Chair appoints as conferees on the part of the Senate——

Mr. LA FOLLETTE. I ask to have substituted the name of the Senator from Florida [Mr. TALIAFERRO] for that of the Senator from Texas [Mr. BAILEY] as one of the conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair appoints as conferees on behalf of the Senate the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Maine [Mr. HALE], and the Senator from Florida [Mr. TALIAFERRO].

THE TARIFF.

Mr. ALDRICH. I ask that House bill 1438 be now laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. CLAY. With the permission of the Senator from Rhode Island, I desire to make an inquiry before we proceed with the discussion of the tariff bill.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. CLAY. On April 1, 1909, I introduced a resolution, which I do not desire to take up the time of the Senate in reading. It called upon the Secretary of the Treasury to give to the Senate certain information in regard to sugar. I think the information is valuable in the discussion of the bill. That resolution was adopted unanimously. I desire to ask the Chair if that resolution has been answered?

The PRESIDING OFFICER. The Chair is informed that it has not been.

Mr. CLAY. It strikes me, Mr. President, that a resolution of that nature and character, adopted on April 1, 1909, ought to have been answered by this time.

Mr. ALDRICH. I am sure that I heard read a communication from the President transmitting some information in regard to the sugar schedule. I do not know what it was.

Mr. CLAY. I do not think this resolution has been answered. I have inquired of the Secretary of the Senate, and he informs me that no answer has been made. Doubtless the Secretary of the Treasury has some good reason for not answering; but I desire to discuss the sugar schedule on the floor of the Senate, and the resolution seeks information that I think will be valuable.

Mr. ALDRICH. What was the information sought for?

Mr. CLAY. I can read the resolution, but it is long. It sets forth four or five different questions propounded to the Secretary of the Treasury.

Mr. ALDRICH. The communication to which I have reference was received on the 19th of April, in response to a resolution of the Senate of April 8.

Mr. CLAY. That resolution has been answered, and the answer was placed upon the desks of Senators this morning. This resolution, I think, was the first one introduced upon that subject. I desire simply to call attention to the resolution, and doubtless the Secretary of the Treasury will answer it at an early day.

Mr. ALDRICH. I have just been informed that the Treasury Department have a large force at work getting the statistics which the Senator desires.

Mr. CLAY. That is satisfactory. I desire the information at the earliest possible day, so that I may use it in discussing the sugar schedule.

Mr. SMOOT. Mr. President, in answer to the Senator from Georgia, I will state that I desired to secure the same information from the department, and referred particularly to the resolution offered by the Senator from Georgia, but was informed that there were four or five men working on it daily and that as soon as the information is prepared it will be sent to the Senate.

Mr. CLAY. I desire to say that I am glad to know that the Secretary of the Treasury is seeking to give the information. I felt that he did not desire to keep it from the Senate. I was simply anxious to receive it at as early a date as possible.

Mr. STONE. Mr. President, I send to the desk, and request the Secretary to read, an amendment which I intend at the proper time to propose to the pending bill. I desire to make it the basis of some observations.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to strike out paragraph 471 d, section 1, and insert the following:

471 d. That it is hereby declared not to be the policy and purpose of the United States to maintain permanent sovereignty over the Philippine Islands, but to exercise authority in and over said islands only so long as it may be necessary, in the opinion of the Congress and the President of the United States, not to exceed fifteen years from and after the passage of this act, to organize and establish a native government capable of maintaining public order in said islands, and until such international agreements shall have been made between the United States and foreign countries as will insure the independence of said islands and the people thereof. Upon the organization of such native government, the organization of which shall be upon such terms and conditions as shall be prescribed by the United States, all authority, civil and military, of the United States, except as may be otherwise agreed upon between the Government of the United States and the government of the Philippine Islands, shall be withdrawn from said island; and hereafter and until the provisions of this section shall be altered, amended, or repealed, all articles of whatever kind, being wholly the growth and product of the Philippine Islands, shall be admitted into the United States free of duty; and agricultural implements of all kinds, cotton and cotton manufactures of all kinds, books and publications of all kinds, and machinery for use in manufactures of all kinds, being wholly the growth and product of the United States, shall be admitted into the Philippine Islands free of duty: *Provided*, That this section shall not be in force and effect nor become operative until the existing legislative authority of the Philippine Islands shall, by joint resolution duly enacted, consent to and approve the same. All acts and parts of acts inconsistent with the provisions of this section are hereby repealed.

Mr. STONE. Mr. President, in due time, in the course of the consideration of the pending bill and at the proper place, I shall propose what has just been read, either in its present or in some modified form, as an amendment. I have had it read, as I have said, to make it the basis of some observations that I desire to make regarding our relations with the Philippine Islands.

Mr. President, one section of the pending bill provides for absolute and unrestricted free trade between the Philippines and the United States on all articles wholly the growth and product of the respective countries, with this exception, viz, that a restriction is placed upon the importation from the Philippines of sugar and tobacco to this extent—that not over three hundred thousand gross tons of sugar, three hundred thousand pounds of wrapper tobacco, three million pounds of filler tobacco, and one hundred and fifty million cigars shall be imported free in any given fiscal year. The section provides that any amount of either of said articles imported in excess of the limit prescribed shall be subject to the ordinary duty imposed on like products from other foreign countries. I am opposed to this provision, and my purpose in rising is to state my reason for that opposition. I wish to say, Mr. President, that I do this with greater doubt and hesitancy than I would otherwise feel because of the fact that this provision is earnestly approved by President Taft. Perhaps no American is more familiar with the Philippine people and with conditions prevailing in the Philippine Islands than the President. He was long a resident in the islands as the head of the government there, and while there he performed a great, unselfish, and patriotic service of high credit to his own country and of immense benefit to the native population. For the President, personally, I entertain the highest respect, and in the sincerity of his convictions upon public questions I have the greatest confidence. Because of my regard for the President and for his opinion I would be more than glad if I could see my way clear to support his view of this question. I regret I can not bring myself into accord with him, and that for the reasons I am about to state.

Mr. President, in considering this measure the first question which presents itself to my thought concerns the relation existing now, and which is to exist, between the United States and the Philippine Islands. Are these islands a territory of the United States, a part of our national domain, and therefore under our sovereignty, or is the jurisdiction the United States is exercising over the islands only a temporary jurisdiction, which we were compelled to assume as an incident of the Spanish war, and which we are exercising after the manner of that we exercised over Cuba, with the ultimate purpose of turning the islands over to their people? Upon the solution of this question Congressional legislation affecting the Philippines should largely depend. Unfortunately this question is not free from doubt. Up to the close of the Spanish-American war the Kingdom of Spain was the power universally recognized as holding sovereignty over the Philippine Archipelago. While I concur in the belief of many that that sovereignty was, in 1898, more nominal than real, and that on the very day that Dewey won his place among the naval heroes of America the Filipinos were close upon the verge of casting off the enfeebled and relaxing grasp of Spain, the fact remains that Spain still assumed to exercise sovereignty over the islands, and that the world recognized the validity of her claim. At the close of the war, and as a result of the war, Spain, by the treaty of Paris, ceded the Philippines and Porto Rico to the United States. Whatever title Spain had to these islands she ceded to the United States, and the United States took possession of the islands and ever since has assumed to exercise a jurisdiction over them. As between Spain and the United States the title of the latter to the islands is complete. But as between the islands themselves and the United States—that is another question. Soon after the Paris treaty this question as to the status of Porto Rico and the Philippines in their relation to the United States was judicially raised, and it was carried to the Supreme Court of the United States. Instead of making the question clear and settling it, the court was, unhappily, so divided in opinion as to leave it in confusion.

DIVERSITY OF OPINION.

The relation which the Philippine Islands sustain to the United States, if not an open and disputed question, is at least still a question which has not been settled to the satisfaction of the bench, the bar, or the country. Judicially speaking, it is still involved in doubt. I have read the insular cases, so called, but after reading them I am, possibly by my own fault, little wiser than before. I suppose what are known as the De Lima, the Downes, and the so-called Diamond rings cases are the leading cases among those involving this relationship; at least they fitly illustrate the judicial contention on the subject. The most casual comparison of these decisions will show how irreconcilable they are.

The De Lima case (182 U. S.) grew out of this state of facts: In the autumn of 1899, after the treaty of Paris had been ratified, De Lima imported a cargo of sugar from Porto Rico. This importation was before the passage of the Foraker Act, providing for temporary revenues and a civil government for that island. At the time of this importation the only law imposing duties on imports into the United States was the Dingley Act. The Foraker Act relating to Porto Rico had not been passed at that time. The Dingley Act, which was passed before the Paris treaty, levied duties on imports from all *foreign* countries into the United States. The question before the court was whether this sugar imported by De Lima would be subject to the duty levied by the Dingley Act, as upon goods coming from a "foreign country;" in other words, the question was whether Porto Rico, having been ceded to the United States, was a "foreign country" within the meaning of the tariff laws. A majority of the court, namely, Justice Brown (who delivered the opinion), Chief Justice Fuller, and Justices Harlan, Brewer, and Peckham, held that Porto Rico was not a foreign country, but was a domestic territory. Four of the justices—Shiras, White, Gray, and McKenna—dissented. Mr. Justice Brown, speaking for the court, said that—

> By the ratification of the treaty of Paris the island of Porto Rico became territory of the United States, although not an organized territory, in the technical sense of the word. * * * A country ceases to be foreign—

He said—

> the instant it becomes domestic.

He contended that the contrary theory—

> presupposes that territory may be held indefinitely by the United States; that it may be treated in every particular, except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries, and yet that the territory may still remain a foreign territory; that this state of things may continue for years, for a century even, but that until Congress enacts otherwise, it still remains a foreign country.

And then he said he could find no warrant for any such theory in the Constitution.

The position of the four dissenting justices was stated by Justice McKenna in these words:

> That Porto Rico occupies a relation to the United States between that of being a foreign country absolutely and of being domestic territory absolutely.

Although this case arose on an importation from Porto Rico, the questions discussed and the principles at that time involved would of course have been in all particulars equally applicable if the imported cargo had come from the Philippine Islands. In this case five of the justices held that Porto Rico was a domestic territory, and therefore not subject to the existing general law imposing tariff duties on articles imported from foreign countries. Four of the justices, dissenting from that view, held Porto Rico was neither foreign nor domestic, but occupied an undefined, if not undefinable, position somewhere "betwixt and between" the two. In other words, it was in the twilight zone between home and nowhere.

The Downes case (182 U. S.) arose on this state of facts: Downes imported oranges from Porto Rico in November, 1900, after the Foraker Act had passed and gone into effect. That act imposed a duty on articles imported from Porto Rico. The principal difference between the Downes case and the De Lima case was that in the De Lima case the importation occurred before the passage of the Foraker Act, while in the Downes case the importation occurred after the passage of that act. In the Downes case Mr. Justice Brown joined, or partly joined, the four justices who dissented in the De Lima case, and held that Congress had the power by *special enactment* to impose tariffs on products coming from a territory into the United States, although still maintaining that articles coming from a territory into the United States would not be subject to duties imposed by a *general law* on importations from "foreign countries." Justices Shiras, Gray, White, and McKenna agreed with Justice Brown in the result, but they did not agree with him in the reasons upon which he based his opinion. All these learned judges expressed widely different opinions as to the principles of law involved. Mr. Justice Brown concluded his separate opinion in the Downes case as follows:

> We are therefore of opinion that the island of Porto Rico is a territory *appurtenant* to and belonging to the United States, but not a part of the United States within the *revenue clauses* of the Constitution; that the Foraker Act is constitutional so far as it imposes duties upon imports from such islands, and that the plaintiff can not recover back the duties exacted in this case.

Mr. Justice White, with whom Justices Shiras and McKenna concurred, held that—

> It is lawful for the United States to take possession of and hold in the exercise of its sovereign power a particular territory without incorporating it into the United States.

But he held that over territory so possessed by the United States *the Congress might terminate the American occupation and sovereignty at will.* Mr. Justice Gray concurred for the most part, but not wholly, with the opinion of Mr. Justice White. He concluded a separate opinion in these words:

> So long as Congress has not incorporated the territory into the United States, neither military occupation nor cession by treaty makes the conquered territory domestic territory in the sense of the revenue laws. But those laws concerning "foreign countries" remain applicable to the conquered territory until changed by Congress. * * * If Congress is not ready to construct a complete government for the conquered territory it may establish a temporary government, which is not subject to all the restrictions of the Constitution.

Chief Justice Fuller and Justices Harlan, Brewer, and Peckham adhered to the position they took in the De Lima case and dissented from the opinions and conclusion of the majority. The Chief Justice in his opinion said, among other things:

> Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Peckham, and myself are unable to concur in the opinion and judgment of the court in this case. The majority widely differ in the reasoning by which the conclusion is reached, although there seems to be concurrence in the view that Porto Rico belongs to the United States, but nevertheless, and notwithstanding the act of Congress, is not a part of the United States, subject to the provisions of the Constitution in respect of the levy of taxes, duties, etc.
>
> The concurring opinion recognizes the fact that Congress, in dealing with the people of new territories or possessions, is bound to respect the fundamental guaranties of life, liberty, and property, but assumes that Congress is not bound, in those territories or possessions, to follow the rules of taxation prescribed by the Constitution. And yet the power to tax involves the power to destroy, and the levying of duties touches all our people in all places under the jurisdiction of the Government. The logical result is that Congress may prohibit commerce altogether between the States and Territories, and may prescribe one rule for taxation in one Territory and a different rule in another. That theory assumes that the Constitution created a government empowered to acquire countries throughout the world, to be governed by different rules than those obtaining in the original States and Territories, and substitutes for the present system of republican government a system of domination over distant provinces in the exercise of unrestricted power.

And against this view the Chief Justice strongly protested.

Mr. Justice Harlan, in his separate opinion, among other things said:

> It is said (by the majority of the court) that new territory, acquired by treaty or conquest, can not become *incorporated* into the United States without the consent of Congress. What is meant by such incorporation we are not fully informed, nor are we instructed as to the precise mode in which it is to be accomplished. * * * I am constrained to say that this idea of "incorporation" has some occult meaning which my mind does not apprehend. It is enveloped in some mystery which I am unable to unravel. * * * If Porto Rico, although a Territory of the United States, may be treated as if it were not a part of the United States, then New Mexico and Arizona may be treated as not parts of the United States, and subject to such legislation as Congress may choose to enact without any reference to the restrictions imposed by the Constitution. The admission that no power can be exercised under and by authority of the United States except in accordance with the Constitution is of no practical value whatever to constitutional liberty if, as soon as the admission is made, the Constitution is so liberally interpreted as to produce the same results as those which follow from the theory that Congress may go outside of the Constitution in dealing with newly acquired territory, and give them the benefit of that instrument only when and as it shall direct. * * * In my opinion, Porto Rico became, at least after the ratification of the treaty with Spain, a part of and subject to the jurisdiction of the United States in respect of all its territory and people, and Congress could not thereafter impose any duty, impost, or excise with respect to that island and its inhabitants which departed from the rule of uniformity established by the Constitution.

As I understand these several decisions, Mr. Justice Brown, in this latter case, held that Porto Rico was not a foreign territory, but a territory appurtenant to the United States (whatever that may be), and that Congress had the constitutional power, by *special enactment*, though not by general law, to impose a tariff duty on articles coming from the territory into the States. Mr. Justices White, Shiras, and McKenna held that Porto Rico was neither foreign nor domestic, but was merely possessed, subject to the will of Congress to hold it or give it up; still that it was for the time being sufficiently foreign to be subject to duties laid on imports by either a special or general law. Mr. Justce Gray strongly intimated, if he did not hold, that the island was still a foreign country. The other four justices adhered to the opinion they had formerly ex-

pressed, that Porto Rico was a domestic Territory and a part of the United States.

Mr. President, so indefinite and indecisive, so confusing and unsatisfactory was this contention that the Reporter appended a note in the Downes case, in which, among other things, he said:

There is no opinion in which a majority of the court concurred. Under these circumstances I have, after consultation with Mr. Justice Brown, who announced the judgment, made headnotes of each of the separate opinions, and placed before each the names of the justice or justices who concurred in it.

A little later on what is known as the Fourteen Diamond Rings case (183 U. S., p. 176) arose in the United States district court for the northern district of Illinois. The facts of that case were as follows: A soldier from North Dakota, serving in the Philippines, was discharged from that service in September, 1899, and returned to the United States. While in Luzon he became the owner of fourteen diamond rings. The possession of these diamonds came to him after the ratification of the treaty of Paris had been proclaimed in April, 1899. On his return to this country he brought the rings with him, and subsequently they were seized by a customs officer in Chicago as having been imported contrary to law and without the payment of the duty prescribed, and thereupon an information was filed to enforce a forfeiture. That proceeding in due course came to the Supreme Court of the United States, and the question was whether the diamonds were subject to the duty levied under the Dingley Act. There had been no special statute enacted at that time fixing duties on imports from the Philippine Islands to this country. Therefore, if the diamonds in question were subject to taxation, they were so subject to it because of the general law. Five justices of the court held that they were not subject to the payment of a duty. The Chief Justice, who delivered the opinion of the court, after reviewing the De Lima case, said:

No reason is perceived for any different ruling as to the Philippines. By the third article of the treaty Spain ceded to the United States "the archipelago known as the Philippine Islands," and the United States agreed to pay to Spain the sum of $20,000,000 within three months. The treaty was ratified; Congress appropriated the money; the ratification was proclaimed. The treaty-making power, the executive power, the legislative power concurred in the completion of the transaction.

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States, over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality. Their allegiance became due to the United States, and they became entitled to its protection.

From this reasoning and upon the result Justices Gray, Shiras, White, and McKenna dissented, for the reasons severally stated by them in the De Lima case. Mr. Justice Brown concurred in the result announced by the Chief Justice, but still adhered to the view that Congress could levy import taxes on goods coming from the Philippines by a *special* law.

CHIEF JUSTICE RIGHT.

Mr. President, following my own construction of the Constitution, and following also what I believe to be our traditional policy and the true American conception of constitutional government, I would not hesitate to accept the view promulgated by the Chief Justice and those concurring with him, provided it should be universally agreed by our Government and people that the islands in question belong absolutely to the United States, and that it is the fixed policy of the United States to retain them. To me it seems perfectly plain that if foreign territory is ceded to the United States, and if the United States accepts it with the intention of exercising a perpetual or indefinite sovereignty over it, that territory becomes a part of the United States; and to me it is inconceivable that the Constitution does not extend over Territories which are embraced in our national domain and which are a part of it. Wherever the flag is permanently raised the Constitution should be operative. Any other theory is abhorrent to my conception of the American plan of government. To hold that an American Territory, permanently under our sovereignty, is not within the Union and under the Constitution is to admit into our governmental economy the monarchical idea, intolerable to me, of colonial establishments and dependencies. It is to say that we may by force hold Territories and peoples subject to our jurisdiction while denying to them, to whatever extent and for whatever time we please, the benefits and blessings guaranteed by the Constitution. That, Mr. President, would open the road to oppression and make possible the very tyranny against which our fathers revolted. Chief Justice Taney declared a sound doctrine many years ago when, in a celebrated case, he said:

There is certainly no power given by the Constitution to the Federal Government to establish and maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be acquired and held permanently in that character.

That is, it can not be held permanently as a territory, much less a colonial dependency. Criticising this declaration of Chief Justice Taney, Mr. Justice Brown, in his opinion in the Downes case, lamented that the Chief Justice, in view of the excited political condition of the country at that time, felt compelled to discuss the question then before the court upon its merits.

Mr. President, I would dislike to believe, and I will not assert, that the exigencies of party politics had aught to do with changing or modifying the opinion of Mr. Justice Brown as expressed in the De Lima case, yet I can not refrain from saying that the circumstances with which the learned justice was environed should have kept him silent on that subject.

But long before the Dred Scott case, from which the extract quoted from Chief Justice Taney is taken, Chief Justice Marshall, in Loughborough *v.* Blake (5 Wheat.) said:

It will not be contended that the modification of the power (to tax) extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

If the law of this case, which was a direct tax case, be good law still, and if the Philippine Islands are a fixed part of our national domain, then the Government has power, which it can and might exercise at will, of levying direct taxes upon the people of those islands. It would be an anomalous situation indeed to treat these islands as foreign with respect to our tariff laws, but domestic with respect to direct taxation. If the construction placed upon the Constitution by three of our great Chief Justices—Marshall, Taney, and Fuller—be correct, then the Philippine Islands are a part of the United States and under our Constitution, provided, always, as I view it, that the United States accepted the cession with the intention of exercising, and still intends to exercise, absolute and permanent sovereignty over them.

Mr. President, let me be correctly understood. I am not contending, I am not striving to prove, that the Philippine Islands are in fact and absolutely a part of our national domain; nor am I striving to prove that the Federal Constitution is in fact operative in the islands as it is in the States. That is not my belief. But I am contending that if the islands are to be treated as American territory, and if it be the policy of our Government to hold them as conquered territory under our sovereignty, without limitation upon the exercise of that sovereignty or limitation upon its duration, then the islands are a part of the United States, and the Constitution is over them as a shield. The islands are either foreign or domestic. It seems impossible to me that they could be both foreign and domestic. It rests with the United States to say whether they are or shall be the one or the other. The circumstances are peculiar, and under the circumstances the status of the islands must depend upon the intention, will, and public policy of the United States. This view is not predicated so much on principles of right as between the people of the United States and the Filipinos, nor yet so much upon principles of national honor and justice, as it is upon the power of this Government to declare whatever policy it pleases and to enforce it. Assuming that it is our policy to permanently hold the islands under our absolute sovereignty, and assuming, for argument's sake, that they are being so held—a theory I stoutly oppose—then, as I construe the Constitution, which I am sworn to support, the products of the Philippine Islands have a right to enter through all American ports and into all American markets on terms of equality with the products of any State. If the islands are American territory, then Congress, in my opinion, is without constitutional authority to discriminate against their products by levying tariffs upon them. So intense is my conviction that this view is correct that

I can not recede from it, nor for one moment accept a different theory, at least until a majority of the Supreme Court shall unequivocally decide that a tariff may be imposed on the products of a territory confessedly American when brought into the States. That was not done in the insular cases, for, while in those cases a majority held that Congress might by *special law* impose a tariff on imports coming from Porto Rico or the Philippines, the justices who so decided were hopelessly divided in opinion as to the relation the islands bore to the United States. Moreover, I can not understand how the Congress can constitutionally do something by means of a special law which it can not constitutionally do by a general law. Holding these views of the whole matter, Mr. President, and until the status of the islands with respect to the United States is definitely determined, I could not cast a vote which would seem to recognize the constitutional right of Congress to impose a duty on imports from any of our Territories into the States.

PHILIPPINES NOT A TERRITORY.

Mr. President, so much for that view. I come now to the other, and I think more correct, view of this subject. I do not believe the Philippine Islands are a Territory of the United States. I have said that the question as to whether they are to be held as a Territory is a question which depends upon the will of the United States. It is a question of power rather than of right. The United States have the power to do in this behalf whatever they may will to do. But while that is physically true, it is also true that the United States can not will to hold the Philippine Islands forever as a Territory subject to our sovereignty without an act of bad faith. To now determine to hold the islands permanently would be to change the original purpose and policy of this Government, and to now declare and execute a new policy upon that line would be an arbitrary exercise of power, inconsistent with right and national honor.

Mr. President, during the first session of the Fifty-ninth Congress, while the fortifications bill was under consideration here in the Senate, our relations with the Philippines was made the subject of a brief debate. In the course of that debate the Senator from West Virginia [Mr. ELKINS] declared that the United States would never surrender the Philippines. He said "the Philippine Islands constitute a part or portion of the territory of the United States." He said they would "furnish a base for operations in the East, where we must extend our commerce and protect American interests," and added that they "will prove of great advantage to the United States." "Give them up!" he cried, "surrender to whom, how, when, and for what? * * * It does not belong to Anglo-Saxon blood to give up land under any circumstances." And then he declared, with the assurance of one speaking by authority, that whatever the Democratic party may do, "the Republicans will declare and say they will never surrender our possessions and give them up for nothing, possessions that have cost us money and blood."

Mr. President, that is commercialism rampant. That is an unblushing espousal of the doctrine that might makes right. Under that doctrine the moral obligations of the nation have only a feather's weight when thrown into the scale against national cupidity. It is not primarily true, Mr. President, that we poured out blood and treasure to conquer the Philippines. Ten years ago the great body of our people were little more than barely conscious that the Philippines existed. We did not declare or wage war to reduce the Philippines. The war we waged was for liberty and humanity—so we said—and we should not permit our victory to bear the bitter fruit of oppression. We should not tarnish our achievement by lowering it to the level of a mere land-grabbing transaction. To whom shall we surrender the islands? the Senator asked. Mr. President, we should surrender them to the people of the islands, to whom they belong.

NATIONAL PROMISES.

At the date, and before the date, of our declaration of war against Spain the Filipino people were in arms, struggling for liberty and independence. Victory was hovering over their banners, and even before that memorable day when the American flag appeared in Manila Harbor on the flagstaffs of our war ships, it seemed as if at last the boon for which they had struggled intermittently for a century was about to be won. The Filipino army welcomed our soldiers and sailors and fought by their side against the common enemy. There can be no doubt—at least there is none in my mind—that the Filipinos believed that the overthrow of the Spanish régime would result in their independence. Moreover, I have never doubted that that belief was founded on assurances given by our representatives during the progress of the struggle. The Filipinos never dreamed that they were merely exchanging one foreign master for another. But however that may be, it is indisputable that the possession of the islands was not the object, even in a remote degree, of the war. On the contrary, our occupation of the islands was only an incident, an unexpected incident, of the war. During the war period neither the American Government nor the American people ever for a moment thought of permanently possessing the islands and incorporating them in any form into our body politic. Any thought of that kind, by whomsoever entertained, was an afterthought. While the Paris treaty was pending before the Senate, at least before the exchange of ratifications, the Senator from Louisiana [Mr. MCENERY] proposed a joint resolution declaring the purpose of the United States toward the Philippine Islands. That resolution is as follows:

Joint resolution declaring the purpose of the United States toward the Philippine Islands.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

That resolution was adopted by the Senate, which is a part of the treaty-making power. In plain terms it declared that it was not the intention of the United States to incorporate the inhabitants of the Philippine Islands into the citizenship of the United States, nor to permanently annex the islands to the territory of the United States. What the United States did ultimately intend to do was not set forth with precision, but what they did not intend to do was made perfectly plain. That resolution has not, of course, the force of a law, but it was expressive of the deliberate judgment of the Senate. Moreover, I believe it was expressive of national sentiment, and to that extent of a national purpose.

Mr. BACON. Mr. President, will the Seantor permit me, without undue interruption, to call his attention to the fact that there was an amendment offered to the joint resolution which he has just read which did declare the purpose, and that there was a tie vote on it in the Senate and it was defeated by the casting vote of the presiding officer of the Senate at that time, Vice-President Hobart, the only tie vote, I will say, which has occurred since I have been in the Senate.

With the permission of the Senator I should like to read this resolution in order that it may be in juxtaposition, and I will not interrupt him further.

Mr. STONE. I have no objection. I am familiar with the resolution.

Mr. BACON. It is in view of the fact that the Senator has commented upon the absence of a declaration of a purpose that I want to call attention to the fact that the Senate came that near declaring a purpose. There was a tie vote, and it was lost by the negative vote of the presiding officer of the Senate. The resolution proposing to amend the joint resolution which the Senator has just read was in these words:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein, entitled, in the judgment of the Government of the United States, to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

Mr. STONE. Mr. President, I knew of that resolution and I had read it. I did not quote it, although I am very glad the Senator did. It was not decisive, because the vote of Senators was equal. The Senator from Georgia, who offered the resolution which he has read, sought to have the Senate take a positive stand and to declare the judgment of this branch of the Legislature on the subject at issue. The resolution offered by the Senator from Georgia was not agreed to, there having been a tie vote. The resolution, however, offered by the Senator from Louisiana [Mr. MCENERY] was adopted; and though in that resolution, as I have said, there was no distinct declaration as to what the United States intended to do, there was a very clear and distinct declaration as to what the United States did not intend to do.

And so, Mr. President, if that resolution, which I have quoted, adopted by a part of the treaty-making power of our Government, was expressive of official and public sentiment, then, at that time, it was not the purpose of our people or Government to annex and hold those islands as a part of our territory. But if we did not and do not intend to hold them as a part of our territory, how can we hold them at all? Will it be contended that it was, or is, our purpose to hold them as a semiforeign

dependency and to force the millions living on the islands into an eternal state of unwilling vassalage? Can any man find warrant in the Constitution or in our history for a thing like that? Rather, Mr. President, was not that declaration a statement of the American policy, that our occupation of the islands was only temporary, and that it would be terminated when order was established and the conditions would make it prudent for us to leave them? Aye, Mr. President, was not that declaration in the nature of a promise made by the Senate of the United States, so far as it could make such a promise, that at some time, whenever the conditions would permit, the government of the islands would be turned over to their people?

Mr. President, I can not say what those in authority now mean to do; but in good faith it should be the policy, the avowed and unquestioned policy, of the United States to ultimately withdraw their jurisdiction over these islands and to deliver them to their own people just as we did with Cuba. While it is true that the grant or cession under which we occupied Cuba was different in its terms from that under which we occupy the Philippines, yet, in all good conscience, the obligation which rested upon us in the one case is not greatly dissimilar from that which rests upon us in the other. In the case of Cuba we were under a double obligation. By the terms of the treaty our occupation of that island was to be temporary, and hence we were obligated to Spain to evacuate it as soon as that could be done with safety to public order. In the case of the Philippines there was no obligation of that kind to Spain imposed upon the United States by the treaty. But, Mr. President, with Spain out of the question, and independent of our obligations to that monarchy, we were under obligations to the people of Cuba; and in like manner we are under obligations to the people of the Philippine Islands. After all that was said and done by Congress and the President, and after all that occurred between our people and their representatives on the one side and the people of Cuba and their representatives on the other, we could not have held that island under our sovereignty without a shameful breach of national good faith. Neither can we hold the Philippines without a breach of national good faith. As between ourselves and the Philippine people (and this without regard to Spain) we hold our title to the islands not as a sovereign, but in trust. Undoubtedly we have the power to repudiate that trust and ignore the obligations it imposes, but we can do that only by lowering the standard to which this great nation, dedicated to liberty and free institutions, should conform its ideals of justice and honor. If we are in good faith to discharge that trust, then we should do nothing inconsistent with it.

DEMOCRATIC POLICY.

Mr. President, in what I have said I am but giving voice to the policy of the Democratic party, in whose ranks I have fought for a generation, as enunciated in three of its national platforms. In 1900 the Democratic national platform contained this declaration:

> We favor an immediate declaration of the nation's purpose to give to the Filipinos, first, a stable form of government; second, independence, and third, protection from outside interference such as has been given for nearly a century to the republics of Central and South America.

In 1904 the Democratic platform contained this declaration:

> We insist that we ought to do for the Filipinos what we have already done for the Cubans, and it is our duty to make that promise now, and upon suitable guaranties of protection to citizens of our own and other countries resident there at the time of our withdrawal—set the Filipino people upon their feet free and independent to work out their own destiny.

In 1908 the Democratic platform contained this declaration:

> We condemn the experiment in imperialism as an inexcusable blunder that has involved us in an enormous expense, brought us weakness instead of strength, and laid our nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

Mr. President, these declarations embody not only what I hold to be correct principles, but they outline the wisest policy this Government could pursue. It would be the height of unwisdom, the acme of national folly, for us to annex these islands even if we could do so with honor. To hold them will involve us in ever-increasing entanglements, almost without the hope of profit, and bring upon us endless perplexities that can only bode ill to the Republic. But, Mr. President, beyond saying this I do not care to dwell at this time upon this aspect of the subject—that is, the danger to us in holding the islands—although it is of tremendous and far-reaching importance. This particular phase of the Philippine question has been so often elaborated that I do not now care to amplify upon it. Besides, I think the strong native common sense of our people is bringing them to the conclusion that the highest American interests will be best conserved by the speediest practicable severance of political relations with the archipelago. The one thing I am now endeavoring to press upon the Senate is this: That our occupancy of the islands is, and of right ought to be, temporary or provisional, not perpetual or absolute, and that we hold them in trust for the people to whom they belong and not as a sovereign in our own right.

Mr. President, why should not the Congress and the President now, in this very legislative act, declare the policy and purpose of the United States with reference to the Philippines, and thus set this most vexed of questions at rest? If it be our purpose to give liberty and independence to these people, why not say so, and thus give answer to the universal prayer that comes over the sea from these fair islands to America? Why not fix a date for this gracious act, which, while bringing universal happiness to the natives of the islands, will at the same time crown the American name with imperishable renown and glory? Why not fix a date for Philippine independence as a gift from America, and, looking to that end, begin now to arrange international agreements with the leading powers to insure that independence by the neutralization of the islands? At all events, Mr. President, I desire to take the judgment of the American Senate, and of American Senators individually, upon this question.

THE TARIFF.

But in answer to this contention it may be said that even if it should be admitted that our occupancy of the islands is only temporary and that our title to them is in the nature of a trust, we might still pass this Philippine tariff section as it appears in the bill without violence to that theory. But to that I can not lend my assent. Under the existing Philippine tariff law a duty equal to 75 per cent of the Dingley rates is laid upon all imports, with one or two exceptions, from the islands to the United States. The duties collected upon these imports are paid, not into the Treasury of the United States, but into the treasury of the Philippine government. At this time sugar and tobacco constitute substantially all there is of dutiable imports coming from the Philippine Islands into the United States. The effect of this measure, if it be enacted, would be to admit these articles free of duty up to certain prescribed limits, and to exact the current duty imposed on like foreign importations on any excess above those limits.

Mr. President, I believe in the Democratic doctrine of a tariff for revenue, and I am opposed to the Republican policy of imposing tariffs for the primary purpose of preventing or restricting importations, so as to give a practical monopoly of the American markets to American manufacturers at a vastly greater cost to consumers. I believe that tariffs should be levied primarily to raise revenue, with protection as an incident, instead of levying tariffs primarily for protection, with revenue as the incident. Hence, if the question of reducing tariff rates, and thus cheapening somewhat to consumers some of the necessaries of life, was the only question involved in this provision of the bill as it now stands, the situation would be different from what it is, and it might then well appeal to Democrats. But that is not the only question, nor the most important question involved in this consideration.

I have said the Philippine Islands must be of necessity either a foreign territory or an American territory; they are bound to be the one or the other. If they are a domestic territory, then no tariff at all, present or contingent, should be laid on their products, for, as I interpret the Constitution, the Congress can lay duties on importations from foreign countries only. The very fact that we impose a duty on importations from the Philippine Islands is, from my point of view, an admission that the islands are outside the domain of the United States, and therefore are not American. If it is not our purpose to hold the islands, then the mere fact that we are exercising a temporary jurisdiction over them does not, in the circumstances of the situation, make them a domestic territory any more than our occupancy of Cuba made that island a domestic territory. Tariffs, Mr. President, are collected on the imported products of foreign countries to raise a public revenue, and since our own people pay the duties the revenue derived from the payment should go into the Treasury of the United States. I do not believe either in the right or the policy of this Government, now and for a long time followed, of imposing taxes upon our people to support some other government than our own. I no more believe in that than I believe in our right to impose taxes on another people to support this Government. Under the law as it stands—and this bill proposes no change in that respect—any taxes collected from American consumers on importations from the Philippine Islands do not go into the Treasury of the

United States, but are diverted to the Philippine treasury for the support of that government. As I view it that law is indefensible in principle and imposes a wrongful burden upon our people, and I can not vote for a measure that recognizes that policy or that would make its continuance possible under any circumstances for a single day. Moreover, Mr. President, the Philippine Archipelago is extensive in area and is populated by millions. Its resources are diverse and opulent. If the government there should be administered with due simplicity, economy, and wisdom, there is no reason why adequate revenues could not be provided for the proper conduct of public affairs without reaching out a mendicant hand for alms.

I admit that while we are administering the high trust we have accepted we should do whatever we can to promote the well-being of the islands and their people, and we should do whatever we can to qualify the people there as speedily as possible to administer their own affairs; and, Mr. President, while most regrettable things have occurred, it will not be denied that we have done and are doing a great work in that respect. We aided them to shake off the despotism of Spain; we have sent them teachers to instruct their people; we have restored to the public use vast areas of fertile lands held by religious bodies; we have aided them in building railroads and in developing their resources; we have preserved the peace, protected the rights of property and of person, and established order in the islands; we have aided them to organize a government and given them object lessons in public administration; we have paid millions directly out of our Treasury, in addition to tariff taxes collected from our people, for their support. All these things and others we have done for them. In so far as this has been done within the scope of constitutional limitation I have no criticism to make. If in the end we keep faith with the people there, then, notwithstanding our errors, the sum of it all will no doubt redound to our credit. But, Mr. President, if these islands are foreign to us, if they are not a part of our territory, and if the inhabitants are not a part of our people living under the protection of the Constitution, then I protest we go too far when we undertake to tax the people of the United States to support a foreign government. But it may be said that as the people of this country are now paying duty on different articles imported from the Philippines, it can not harm our people to reduce the burden of that tax. Of course, the removal or reduction of the tax would not of itself probably harm our people, at least from my point of view, but I protest on principle against the proposition of taxing our people in any amount, and that whether the tax be immediate or contingent. No such tax should be levied at all, or any condition created under which the payment of any such tax by American citizens should become obligatory.

FREE TRADE.

Again, Mr. President, even if it were proposed to establish unrestricted free trade between the United States and the Philippines, I would doubt the wisdom of that policy. Free trade at this time and under existing circumstances with the Philippines does not entirely commend itself to my judgment. In the first place, it would be of little, if any, value to the great mass of our people. It might encourage the growth of sugar and tobacco in the islands and increase the importation of those articles, particularly of sugar, to this country. But here in America who would that benefit? The importations of sugar would not be of refined sugar fit for consumption, but sugar in a raw state. It is everywhere agreed that for unrefined sugar there is but one purchaser in the United States—the sugar trust. It is the sole purchaser of raw sugar, and it alone refines it. Freedom of trade between this country and the Philippines might open for the sugar trust the way to a greater supply of the raw product, but since the trust has an indisputable and undisputed monopoly he must be a credulous optimist who believes that this would result in materially lowering prices on refined sugar to the consumers. The sugar trust, and possibly the tobacco trust, might derive some benefit from free trade with the Philippines, but I can not see the likelihood of that resulting in any advantage to American consumers.

Free trade might also be of advantage to the Filipinos themselves, and to Americans and foreigners who might go there to engage in the growing of sugar and tobacco, by giving to them a greater market for their productions. But, Mr. President, should we encourage, do we wish to encourage, American investments in Philippine industrial enterprises in a way calculated to beget future complications that might hinder or embarrass the final execution of our national policy? If it be our policy to cut loose from the Philippines and leave them to themselves, then large investments of American capital in the islands would likely give rise to obstacles not now existing to the execution of that policy. If under existing circumstances free trade should be entered upon between the United States and the Philippines, it would be done without consulting the people of the islands, but solely upon our initiation and in the exercise of arbitrary power. The Philippine people themselves, speaking through their chosen representatives here at Washington, have declared themselves opposed to this bill in its present form, and opposed to unrestricted free trade between the islands and the States. So far as the Philippine people are concerned the proposed policy would be compulsory. Again, whether it should be so or not, it is well known that free trade with foreign countries is not the policy of our Government, but the contrary. Therefore, if we should arbitrarily establish free trade between the United States and the Philippines, might it not with reason be asserted that we had dealt with the islands as if they were for all purposes a territory of the United States? It would at least be an act on our part which would comport with the idea of a permanent sovereignty. It would be inconsistent with the theory that the islands are foreign. Would not American investors find some justification for their view if in future they should come to protest against the severance of our relations with the islands? If it be our purpose to restore the islands to their own people, it would be unwise to foster a different impression. But if we adopt policies intended or calculated to encourage Americans to make investments and to become identified with the industries of the islands, we will thereby build up powerful influences that may seek to thwart a separation. They might well come to Washington claiming, not without reason, that we led them to believe that the United States intended to hold the islands indefinitely; that we offered inducements for the investment of American capital in developing the islands, and it will be insisted, no doubt with fervid eloquence, that if the United States should withdraw from the islands and turn them over to the native population it would result, sooner or later, in the destruction of every American interest. A propaganda would at once be launched against ever surrendering the islands to their people. Mr. President, I can not escape the conviction that, from every point of view, it would be wiser and better to deal with the Philippines as a foreign country temporarily under our occupancy. Expenses should be cut down and kept down to the lowest level consistent with orderly administration, and the Filipinos themselves should be required to pay the cost of their own government. We may reduce the tariff on their imports to this country if we will, but whatever the rate their importations should come as importations ordinarily come from other countries.

OTHER GROUNDS OF OPPOSITION.

Mr. President, some Senators oppose this section for reasons much narrower than those which influence me. As I understand, they, or some of them, oppose this provision, because they believe to open our doors to the free importation of sugar and tobacco from the Philippines would be disastrous to the growers of tobacco and the growers of sugar beets and cane in this country without any corresponding benefit to consumers. I confess I have been considerably impressed by this contention, but my opposition to this section is not based upon that objection. To what extent free trade with the Philippines would really result in promoting the growth of sugar and tobacco in the islands is problematical, but I have no doubt that if American capital should be largely invested, and if approved modern methods should be applied, as they would be under American guidance, the volume of sugar and tobacco produced would be enormously increased. If this increase should equal or even approximate the increase apprehended in sugar production, the importation of that staple into this country under free trade would soon displace Cuban sugar, and then it would come into direct competition with the products of the American beet field and cane plantation. This competition might prove to be so great as to justify the fear that it would be injurious to the American farmer. But, Mr. President, I do not indulge that apprehension to the extent others indulge it, and being fundamentally opposed to a protective tariff for the mere sake of protection, I would not antagonize this measure solely for the sake of protection, although if we are to have a tariff for the sake of protection I see no good reason why its supporting arm should be first withdrawn from the American farmer, especially when done without profit to any American interest outside the sugar trust. At this time beet planting, which is one of the most profitable branches of agriculture, is being rapidly expanded in many of the States of the West and Northwest. Free trade with the Philippines, it is asserted, would so alarm those interested in the development of that industry as to check its expansion. Whether after events would silence that alarm and so restore confidence as to make progress possible, no man can foretell. Mr. President, aside from the tariff question and independent of that, and treating

the Philippines as essentially a foreign country, we might well pause to inquire whether it would be wise for the American Congress to enact laws and to encourage the employment of American capital to build up the industries of a foreign country to the possible detriment of our own. That is something to be thought of wholly outside the tariff question. It may contribute to our pride, and it may be our duty, to aid the Filipinos, and I am sure I do not object to extending to them every legitimate aid in our power; but I protest we should not aid them to the injury of our own people at home. Moreover, I question whether it is wise for us to rush headlong and at our own expense into the benevolent project of building up a foreign commercial power, not only to compete with us at home, but which may in the not distant future compete with us for the markets of the world.

Mr. President, however others may regard it, it seems to me that Democrats ought to oppose this section of the bill as it now stands. At all events, I can not give to it my sanction or support. I can not do so, because—

First, if the islands are to be regarded as an American Territory, then they are within the Union, and their products should have free access to all our ports without restriction or limitation;

Second, if our occupancy of the islands is intended to be only temporary, and if it be our policy to surrender them to their own people, then we should pass no law which would tend to create such commercial or political conditions between the islands and this country as might delay or embarrass the final completion of our purpose; and

Third, we are under no such obligations to the Philippine people as to make it our duty to support their government or to build up their industries at the expense of our own.

I prefer, Mr. President, to stand squarely upon the Democratic platform, and do for the Filipinos what we have already done for the Cubans—set them upon their feet and leave them free to work out their own destiny.

CONCLUSION.

In conclusion, Mr. President, I desire to say a few words respecting the amendment I have proposed. My purpose is to strike out that section of the bill relating to the Philippines and insert a provision declaring it to be the policy of the United States to terminate their occupancy of the islands, and to withdraw all civil and military authority over them whenever the natives of the islands have, in the opinion of the Congress and the President, organized a stable government capable of maintaining public order, and that this withdrawal shall occur not later than fifteen years from the passage of this act. The amendment provides that the Congress shall prescribe the terms and conditions upon which the United States shall vacate the islands, and in the meantime it is further declared to be the policy of the United States to negotiate agreements with other powers for neutralizing the islands, and thus further secure their independence and safety. It is further provided that in the meantime, and until this policy shall be fulfilled, and as long as this law remains unamended and unrepealed, all articles, being wholly the growth and product of the Philippine Islands, shall be admitted free of duty into the United States; and that in consideration thereof agricultural implements and machinery, cotton and cotton manufactures, books and publications, and machinery for use in manufactures of all kinds, being wholly the growth and product of the United States, shall be admitted free into the Philippine Islands, provided, that this section shall not become operative until it has been first approved by the existing legislative authority of the Philippine government. A provision of this nature would at once remove the purpose and policy of the United States with reference to the Philippines from the realm of doubt and uncertainty, and our position would become at once well defined and established.

We have held possession of these islands now for ten years, and if we should hold them for another period of fifteen years we would then have had the people of the islands under our tutelage for a quarter of a century. That would be substantially the lifetime of a generation. Children born since we unfurled our flag at Manila, and thousands of boys and girls then living there, have all grown to manhood and womanhood, having been educated in the modern schools we established, and having had all the benefits accruing from their experiences and association with Americans and American methods. If these people under such circumstances would not then be qualified to administer an orderly government of their own, then they could never be fitted for that task. The one long prayer of the Philippine people is for independence, and if the Congress of the United States should make a declaration such as I have indicated it would serve as an inspiration to them to strive after progress and for better things to the utmost limit of their capacity. The tariff feature of the amendment would be in the nature of a reciprocal trade relation established by agreement. During this period of fifteen years there would not be, in my opinion, any great increase in Philippine importations to the United States, and certainly not to any dangerous degree.

I am sure of it. The production of sugar in the Philippines does not exceed half the aggregate production of the islands when our occupancy began and the Spanish control ended. They lost largely in their markets and were discouraged on that account. Their trade with our country did not compensate for what they lost. Our tariffs were enforced against them for a long time. Then came that terrible epidemic, the rinderpest, which swept the islands like a blast and destroyed the greater number of the animals they were obliged to depend upon to conduct their agricultural operations.

Mr. President, the farmers who plant cane in the islands are small farmers, patch farmers. They could not, in my judgment, in the nature of things, poor as they are, develop that industry so as to restore, within the period of fifteen years, anything approximating the amount of sugar they produced when we took possession of the islands.

Of course if we were to open them to free trade, with a declared permanent sovereignty by the United States over the islands, foreign capital might go in and develop their industries, and, applying modern American methods in the culture of sugar and tobacco and other things, it might be that in a few years a great change might be made; but not so if we fix a limit upon the time when free trade shall continue to exist, and that after that limit the islands shall go to the people themselves.

In fifteen years, in my opinion, there would not be any great increase in Philippine importations to the United States. On the other hand, with free entry into the Philippines of the articles named in the amendment, I have no doubt that our exports would exceed our imports. The articles for which we would provide free entry into the Philippine ports are all articles of prime necessity to the Filipinos, whether viewed from the standpoint of comfort or from the standpoint of moral and material progress. Both countries would be benefited by exchanges along the line suggested. If the phraseology of the amendment is not satisfactory, I have no objection whatever to changing it, so that the substance is retained. I propose, Mr. President, at the proper time, to ask the judgment of the Senate by a record vote upon the principles involved in this amendment.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 21, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 20, 1909.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Elliott Northcott, of West Virginia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Colombia, vice Thomas C. Dawson, nominated to be envoy extraordinary and minister plenipotentiary to Chile.

UNITED STATES ATTORNEYS.

George H. Gordon, of Wisconsin, to be United States attorney for the western district of Wisconsin, vice William G. Wheeler, resigned.

Harold A. Ritz, of West Virginia, to be United States attorney for the southern district of West Virginia, vice Elliott Northcott, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Cunliffe H. Murray, Fourth Cavalry, to be colonel from April 18, 1909, vice Augur, Tenth Cavalry, deceased.

Maj. Frederick W. Sibley, Thirteenth Cavalry, to be lieutenant-colonel from April 18, 1909, vice Murray, Fourth Cavalry, promoted.

Capt. John C. Waterman, Seventh Cavalry, to be major from April 18, 1909, vice Sibley, Thirteenth Cavalry, promoted.

COAST ARTILLERY CORPS.

Capt. Henry H. Whitney, Coast Artillery Corps, to be major from April 14, 1909, vice Barroll, detailed as paymaster.

First Lieut. Willis G. Peace, Coast Artillery Corps, to be captain from April 14, 1909, vice Whitney, promoted.

Second Lieut. Youir M. Marks, Coast Artillery Corps, to be first lieutenant from April 14, 1909, vice Peace, promoted.

POSTMASTERS.

FLORIDA.

Fannie Adams to be postmaster at Paxton, Fla., in place of F. A. Florence, resigned.

ILLINOIS.

G. B. Bushee to be postmaster at Buda, Ill., in place of Nehemiah J. Knipple. Incumbent's commission expired February 23, 1909.

Clark M. Piper to be postmaster at Bridgeport, Ill. Office became presidential January 1, 1908.

INDIANA.

Albert Boley to be postmaster at National Military Home, Ind., in place of Alexander Abernathy, removed.

H. D. Moore to be postmaster at Moores Hill, Ind. Office became presidential October 1, 1908.

Samuel Morris to be postmaster at Eaton, Ind., in place of Moses E. Black. Incumbent's commission expired March 2, 1909.

IOWA.

S. H. Carhart to be postmaster at Mapleton, Iowa, in place of Charles E. Carmody, resigned.

A. W. Hakes to be postmaster at Rock Valley, Iowa, in place of Frank A. Large, resigned.

KANSAS.

William J. Waterbury to be postmaster at Haven, Kans. Office became presidential April 1, 1909.

MISSOURI.

James D. Bush to be postmaster at Marceline, Mo., in place of James D. Bush. Incumbent's commission expired March 1, 1909.

Benjamin F. Guthrie to be postmaster at Milan, Mo., in place of Benjamin F. Guthrie. Incumbent's commission expired February 23, 1909.

John W. Moore to be postmaster at California, Mo., in place of Godfrey Haldiman. Incumbent's commission expired January 14, 1909.

NEBRASKA.

John A. Schleef to be postmaster at Overton, Nebr. Office became presidential January 1, 1909.

NEW JERSEY.

Peter Hall Packer to be postmaster at Sea Bright, N. J., in place of Ebenezer S. Nesbitt. Incumbent's commission expired December 9, 1906.

NEW YORK.

Albert S. Harris to be postmaster at New Hartford, N. Y., in place of Albert P. Seaton. Incumbent's commission expired December 14, 1908.

Samuel P. Poole to be postmaster at Hicksville, N. Y., in place of Samuel P. Poole. Incumbent's commission expired December 13, 1908.

NORTH DAKOTA.

Sarah A. Barry to be postmaster at Hettinger, N. Dak. Office became presidential January 1, 1909.

Anton Berger to be postmaster at Milnor, N. Dak., in place of James D. McKenzie, deceased.

OHIO.

William D. Archer to be postmaster at Pleasant City, Ohio. Office became presidential January 1, 1908.

Edson B. Conner to be postmaster at Bremen, Ohio. Office became presidential April 1, 1909.

SOUTH DAKOTA.

William A. Abbott to be postmaster at Waubay, S. Dak., in place of William A. Abbott. Incumbent's commission expired February 1, 1909.

TENNESSEE.

Andrew N. Brown to be postmaster at Woodbury, Tenn. Office became presidential April 1, 1909.

TEXAS.

W. K. Davis to be postmaster at Gonzales, Tex., in place of Anderson L. Davis. Incumbent's commission expired April 27, 1908.

WEST VIRGINIA.

A. S. Overholt to be postmaster at Marlinton, W. Va., in place of Nathan C. McNeil. Incumbent's commission expired January 9, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1909.

ASSOCIATE JUSTICE SUPREME COURT OF ARIZONA.

John H. Campbell to be associate justice of the supreme court of the Territory of Arizona.

APPOINTMENT IN THE NAVY.

Maj. C. Shirley to be an assistant paymaster.

POSTMASTERS.

COLORADO.

Davis H. Sayler, at Cortez, Colo.

ILLINOIS.

Henry J. Faithorn, at Berwyn, Ill.

IOWA.

James P. Flick, at Bedford, Iowa.

LOUISIANA.

W. J. Behan, at New Orleans, La.

NORTH CAROLINA.

Albert Richardson Kirk, at Albemarle, N. C.

OKLAHOMA.

James L. Admire, at Fairview, Okla.
Charles C. Archer, at Antlers, Okla.
A. M. Brixey, at Mounds, Okla.
John Coyle, at Rush Springs, Okla.
Paul Gilbert, at Fort Cobb, Okla.
Charles B. Ramsey, at Davis, Okla.
Hugh Scott, at Waukomis, Okla.
Howard E. Wallace, at Spiro, Okla.

TEXAS.

L. C. Burnecke, at Wolfe City, Tex.
Isidore Newman, at Mexia, Tex.

SENATE.

WEDNESDAY, *April 21, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FOREIGN PRODUCTS IN DOMESTIC MARKETS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in response to the resolutions of the Senate of April 5, 1909, copies of reports relating to the practice of selling foreign manufactured goods in this country at a price lower than the domestic prices, etc. (S. Doc. No. 16), which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

STATISTICS RELATIVE TO SUGAR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to the resolution of the 8th instant, certain statistics relative to the annual imports by the United States of sugars, etc. (S. Doc. No. 15), which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of sundry citizens of Ohio, Virginia, Pennsylvania, New York, Mississippi, Alabama, Georgia, Wisconsin, Minnesota, Kentucky, Indiana, North Carolina, Illinois, Louisiana, Michigan, Florida, Iowa, and New Jersey praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. MCLAURIN. I present a joint resolution of the legislature of Pennsylvania, relative to the enactment of more stringent immigration laws. I ask that it be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint resolution was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
STATE OF PENNSYLVANIA,
March 22, 1909.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

This is to certify that the following is a true and correct copy of a resolution passed the above date:

Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and